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The Solicitors' Journal.

LONDON, SEPTEMBER, 12, 1874.

WE PRINTED LAST WEEK a report of a ruling of one of the Liverpool County Court judges on a point of bankruptcy practice of considerable importance. It has been the custom in Liverpool and, we believe, in other parts of the country, for solicitors to serve their own summonses and subpoenas. The advantages of this practice, both to the solicitor and to the estate, are undeniable. The negligence and mistakes of high bailiffs are avoided; the solicitor is always able to secure proof that service has been actually effected; he does not lose his time waiting at the court for witnesses who ought to have been summoned, but who have not been summoned; hence the estate is saved the costs of useless attendances, and of fresh summonses. As regards the service of subpoenas, the benefits thus accruing have been expressly recognised. Rule 167 authorises a subpoena to be served personally on a witness "by the person at whose instance the same is issued or by his attorney, or by an officer of the court." This rule, however, does not expressly include summonses under section 96 of the Bankruptcy Act, although in the scale of attorney's costs in bankruptcy there is an item for "service of petition, summons, order, notice, or other process." Rule 58 provides that "unless otherwise directed or permitted by these rules, it shall be the duty of the high bailiff to serve all orders, summonses, petitions, and notices." The question raised at Liverpool was whether the solicitor is entitled to serve the summonses above referred to. Mr. Collier, with the assent of his colleague, has held that he is not.

The grounds on which the decision was based, do not appear to have been given by the learned judge, but we gather from the report that the question turned mainly upon whether any distinction exists between a subpoena and summons. It was contended on the one hand that the office of a summons is only to compel the attendance of a witness to give information under section 96, while that of a subpoena is to compel the attendance of a witness in other cases; that the two things are wholly distinct, and that authority to serve the one by no means involves the right to serve the other. On the other hand, it was pointed out that rule 58 only prescribes the duties of the high bailiff in cases where the rules do not otherwise direct, and that rules 166 and 167, authorising service by the attorney of "a subpoena for the attendance of a witness capable of giving evidence concerning any matter in the court," do in fact "otherwise direct;" that the reference in the margin of the former of these rules actually is to section 96; that the heading of Form 75, "subpoena or summons," shows that no distinction is intended to be made between the two; and that in the high bailiff's scale of charges, although there is an item for service of subpoena, there is no item (except for mileage) for service of a summons.

The matter, it is stated, is to be taken to the Court of Appeal, and we therefore abstain from commenting on

the interpretation placed on the rules by the county court judge. The result of the appeal will be looked for with considerable interest by a large branch of the profession.

MR. WESTLAKE, Q.C., in a letter to the *Times*, has given an interesting account of the progress of the Institute formed last year to carry out the idea broached by M. Rolin Jacquemyns, of "organised scientific action" as a factor of international law. One of the objects of the Institute, as originally projected, was to draw a formal declaration of certain "fundamental principles of International Law;" but the common sense of the English lawyers to whom the proposal was communicated rejected the idea of an infant society attempting to solemnly declare "fundamental principles," and suggested that it would be desirable first of all to win confidence by doing something which would be generally recognised as useful. These counsels prevailed, and at the meeting at Ghent last year it was resolved that the attention of the Institute should be directed to framing rules for international arbitrations, the interpretation of the Three Rules of the Alabama Arbitration, and the discussion of the utility of rendering obligatory for all States, by means of one or more international treaties, a certain number of general rules of private international law, so to secure uniformity of decision.

Upon the first subject it appears that a draft set of rules was submitted to the Institute and referred to a committee. Mr. Westlake gives no details as to the contents of this draft, but we see it stated in another report that the principle of an appeal against the decision of the international arbitrators was adopted, and it was also resolved that the "decision should have no effect if the power of the arbitrators be exceeded, if there be corruption on the part of any of the arbitrators, or if an essential error be occasioned by the production of false documents." Assuming that these provisions are correctly stated, they bring forcibly before the mind the difficulties of the subject. Supposing the International Court of Appeal differs in opinion from the court below, will the losing nation cheerfully accept the reversal of the first decision, and will the feelings likely to be roused by the prolonged discussion of the question before the two courts tend to facilitate the settlement of the matter? As to the clause relating to the possible corruption of the arbitrators, we can only say that a more necessary provision would appear to be one for the case of an arbitrator insisting upon deciding, to use the words of the Lord Chief Justice, "according to some instinctive perception of right and wrong." The clause illustrates the often repeated remark that until international judges can be found whose decisions will command the same confidence as those of our highest domestic tribunals, international arbitration is not likely to be extensively resorted to. International arbitrators must be like Caesar's wife before international arbitration can ever be a success.

With reference to the Three Rules of the Treaty of Washington, the Institute resolved that "to avoid the controversies which have arisen on the interpretation of those Rules, it would be desirable to revise their expression." The rules unquestionably stand lamentably in need of revision. It did not require Sir Stafford Northcote's ingenuous confession to tell the world that they were left vague and incomplete because of the anxiety of each set of commissioners not to admit into them anything which might prejudice their case before the arbitrators. But what we fail to see is how the most admirable revision of these rules can facilitate their adoption so long as the two powers who are to invite the concurrence of other nations are at issue as to their interpretation. The Institute on the question of due diligence adopted the view of the Chief Justice, resolving that "The fact that a hostile act has been committed on neutral territory does not suffice to make the neutral State responsible. To establish the violation by

it of its duty, there must be proved either a hostile intention (*dolus*) or negligence (*culpa*)."

The desirability of treaties establishing certain rules of private international law was affirmed by the Institute. This resolution, and Mr. Westlake's valuable remarks upon it, open up an important subject, to the discussion of which we may hereafter return.

THE MANTLE of lawgiver to the universe, rejected by the *Institut de Droit International*, has fallen upon a body calling itself the "Association for the Reform and Codification of International Law," which, as we learn from the Geneva correspondent of one of the daily papers, "has the strong support of Mr. Jenkyns, Q.C., of London, and of Mr. Henry Richard, M.P." This association, we believe, had its origin in a resolution passed at New York, affirming "that, in the opinion of this meeting, the establishment of an international code, containing among its provisions the recognition of arbitration as the means of settling international disputes, is an object of the highest interest and importance; that, with a view to the formation of such a code, it is expedient that a meeting should be called for consultation upon the best method of preparing it, and the most promising means of procuring its adoption . . . to which publicists from different nations shall be invited." Last year the association was formally inaugurated at Brussels, and the annual "conference" was opened on Monday last at Geneva. An enthusiastic correspondent gives an account of the first day's proceedings, from which we learn that though the publicists had, no doubt, been invited, they were rather conspicuous by their absence. Signor Mancini and Professor Pierantoni, however, attended, and so did Mr. Dudley Field, and two judges from the United States, two Queen's Counsel from England, and the Japanese Ambassador from Rome. The proceedings of the day commenced by the reading of a report congratulating the conference on the fact that "The project which, a year ago, was a mere proposition in whose speedy realisation a few, and perhaps none, had strong faith, is now a *fait accompli*. Distinguished representatives of many of the leading nations have assembled for the purpose above indicated. An international organisation has been effected, which is, for the present, to hold annual meetings. Moreover, national societies, auxiliary to the International Association, and composed of very efficient and able men, have been organised in England, France, and Italy. And it is proposed, as speedily as possible, to organise similar societies in all the principal countries. When this work shall have been done, prominent representatives of the nations will be associated in a grand international league, whose object will be most comprehensive and benign, ever to preserve the peace and promote the well-being of the whole family of nations." Next followed a report on the constitution of the association; the Japanese gentleman made a few remarks, and then Signor Mancini gave an account of the proceedings of the recent meeting of the Institute of International Law. The conference thereupon thanked the speaker, and obligingly expressed general approval of the results of the deliberations of the Institute. Then Professor Pierantoni gave a verbal report of "some valuable treaties" on international arbitration. A paper and some "results of studies" were read; more thanks were voted, and then the conference adjourned. No wonder that, as the report read to the meeting remarked, "the results that have already been produced by the conference are quite marked and happy. It has made a deep impression upon the world."

NO FEWER THAN THREE county court judgeships are vacant. We trust we shall not be considered presumptuous if we venture to express a hope that in the new appointments careful regard will be paid to the moral as well as intellectual qualities which go to make up the judicial character. The late Mr. Sumner, when dining

with the benchers of Lincoln's Inn, once said that "to have seen Lord Denman on the bench in the administration of justice was to have a new idea of the elevation of the judicial character." While acknowledging the admirable qualities of many of the learned county court judges, we are bound to say that there are some of them whose conduct on the bench is far from giving this idea. Calm impassive adjudication and patient courtesy, if most shining qualities in judges of the superior courts, are doubly valuable amid the friction and hurry of county court work.

POWER OF THE MASTER OF A SHIP TO BIND THE OWNER BY A CONTRACT FOR NECESSARIES.

Several decisions have lately enforced with great strictness the rule which requires communication to be made, where practicable, with the owner, as a condition precedent to the power of the master to charge ship or cargo with a bottomry bond (*The Karnak*, 17 W. R. 56, L. R. 2 P. C. 505; *The Panama*, L. R. 3 P. C. 199; *The Onward*, 21 W. R. 601, L. R. 4 Ad. 38). The power of the master to bind the owner by a contract for necessities arises more easily, but the recent case of *Gunn v. Roberts* (22 W. R. 652) shows that the conditions which do limit it must be observed with equal strictness. It seems to have been thought by Holroyd, J., that the master of an English ship could not bind his owner for necessities in England; and although the Court of Exchequer set aside the nonsuit, they only entered the verdict for the sum borrowed to pay seamen's wages (which was strictly necessary) excluding the sum borrowed to pay tradesmen's bills for articles supplied for the use of the ship (*Robinson v. Lyall*, 7 Price 592). In *Arthur v. Barton* (6 M. & W. 138) the ship was in an English port where it would take four days to get a reply from the owner, and it was ruled by Patteson, J., that the master could bind the owner for money borrowed for necessities, and this ruling was upheld by the Court of Exchequer. In delivering judgment Lord Abinger, referring to the master's authority to pledge the owner's credit, says, "but this authority does not usually extend to cases where the owner can himself personally interfere; as in a home port, or in a port in which he has beforehand appointed an agent who can personally interfere to do the things required. Therefore, if the owner or his personal agent be at the port, or so near to it as to be reasonably expected to interfere personally, the master cannot, unless specially authorised, or unless there be some custom of trade warranting it, pledge the owner's credit at all, but must leave it to him or his agent to do what is necessary. But if the vessel be in a foreign port where the owner has no agent, or if in an English port, but at a distance from the owner's residence, and provisions or other things require to be provided promptly, then the occasion authorises the master to pledge the credit of his owner." The same view was acted upon in *Johns v. Simons* (2 Q. B. 425), and in *Edwards v. Havill* (2 W. R. 12, 14 C. B. 107), where the ship (in an English port) was only one day's post from the owner. The passage cited conditions the master's power very explicitly on the absence from the port where the ship is, and where the necessities are required, both of the owner and of his agent. And it will be seen, from the cases cited, that the same rule applies to necessities and to money borrowed for necessary purposes; although, as Parke, B., says, in *Arthur v. Barton*, "the law is more strict as to borrowing money than as to repairs of the vessel;" or, as Dr. Lushington more aptly expresses it in *The Alexander* (1 Wm. Rob. 361), there is "a difference in the extent of proof required."

But in *The Faithful* (10 W. R. Ad. Dig. 25, 31 L. J. Ad. 81) it was suggested by Dr. Lushington that, although the owner's agent was present at the port, yet if there was, as he terms it, an "invincible ignorance"

of that fact on the part of the person supplying the necessities, the owner might be bound by the master's contract pledging his credit. As in that case there was no such "invincible ignorance" of the agent's presence, what was said was unnecessary; and it does not appear whether, as he logically must, the learned judge would have held that "invincible ignorance" on the part of the necessary man of the presence of the owner himself, would equally confer on the master the power to pledge his credit. But however that may be, the suggestion made in *The Faithful* was overruled in *Gunn v. Roberts* (22 W. R. 652), and it was expressly held that when the ship is in a port, though a foreign port, and the owner's agent is present, and ready and willing to supply what is necessary, there is no authority in the master to pledge the owner's credit.

It must be observed, however, that in his decision in the last mentioned case Brett, J. appears to put the pledging of the owner's credit, and the giving of a bottomry bond upon the same line, and argues from the one to the other. This can hardly be; it cannot be meant that the master in a foreign port before being able to pledge the owner's credit for necessities, is equally bound, as in the case of bottomry, to communicate with his owner. To lay down that the same conditions are required in the two cases would be inconsistent with the language of the very authorities relied on (*Arthur v. Barton* and *Johns v. Simons*); for it is clear that in an English port, with an owner resident in England, the master could not give a bottomry bond, though he could pledge the owner's credit for necessities.

It may be noticed that the effect of this decision clearly is to treat the master's agency in such a case as that of an agent of necessity; as Lord Abinger expresses it, in *Arthur v. Barton*, "the occasion authorises him." It is not that he is by his appointment as master of the ship invested with an ostensible authority to act as the owner's agent in this respect (which is the view taken in some systems of law, and apparently in the American case of *McCready v. Thom*, 6 Sickels, N. Y. App. Ca. 454); it is that, having regard to the exigencies of the occasion, there is no other way in which the purposes of the ship can be supplied (See the observations of Lord Ellenborough in *Rocher v. Busher* 1 Stark. 27, and Lord Tenterden in *Palmer v. Gooch* 2 Stark. 428). The nature of the necessity is indicated in *Webster v. Graham* (4 B. & Ald. 352), where it was laid down that the supply need not be absolutely necessary, it is sufficient if it is reasonably necessary; and so with respect to the possibility of communication, it is sufficient if, as Maule, J., said in *Edwards v. Havill* (2 W. R. 12, 14 C. B. 107), it is "commercially speaking impossible, because not practically speaking possible." But construing necessity in this sense, the agency of the master in this respect is really founded on necessity, and it is impossible to understand the decision on any other principle. The observations on this point therefore of Sir R. Phillimore in *The Onward* (21 W. R. 601, L. R. 4 Ad. 57) seem not perfectly accurate.

LEGISLATION OF THE YEAR.

SETTLED ESTATES.

CAP. XXXIII.—*An Act to extend the powers of the Leases and Sales of Settled Estates Act.*

It was probably intended by the Settled Estates Act to confer on the Court of Chancery a full discretion to supply the omission from settlements of the ordinary powers of leasing, sale, and exchange. Unfortunately, however, in accordance with the previous practice of Parliament in cases of private bills, the application to the court was required (section 17) to be made with the concurrence or consent of the first tenant in tail and of all persons in existence having any beneficial estate or interest under the settlement prior to the estate of such tenant in tail, and of all trustees having any estate or interest on behalf of any

unborn child prior to the estate of such tenant in tail. If no tenant in tail under the settlement, of full age, exists, then the consent must be obtained of all the persons in existence having any beneficial estate or interest under the settlement, and also of all trustees having any estate or interest on behalf of any unborn child. If any one of these persons refused to consent, the court was powerless, however beneficial its action might have been. (See, as an illustration, *In re Merry's Settled Estates*, 15 W. R. 307). The result was, as the Lord Chancellor has stated, that persons with minute interests under a settlement, "to whom no injury could by possibility be done by the lease or sale, being armed with the power given them by the Act, have used it for the purpose of preventing the action of the court where it would have been beneficial, their object being to make bargains and extort money." These persons will probably find their schemes thwarted by the present Act, which provides that where the concurrence or consent of any person whose concurrence or consent is requisite has not been obtained, he is to be served with notice requiring him to notify within a given time whether he assents to or dissents from the application to the court; or submits his rights to be dealt with by the court. If no notification is given within the time specified, he is to be deemed to have taken the last-named course. The court is empowered to make an order upon an application under the Settled Estates Act notwithstanding that the concurrence or consent of any such person has not been obtained or has been refused, and such order is to have the same effect as if all such persons had been consenting parties. But in considering the application, the court is to "have regard" to the number of persons who concur in or consent to the application or who dissent therefrom, or who submit, or are to be deemed to submit, their rights and interests to be dealt with by the court. This clause, which was added in the Lords, seems intended as a hint to the judges not to deal too roughly with "the sanctity of settlements."

PERSONATION.

CAP. XXXVI.—*An Act to render Personation, with intent to deprive any person of Real Estate or other property, Felony.*

This is one of the traces of that great legal calamity known as the Tichborne trial. It is not very easy to see how an impostor can personate with intent to obtain land or goods without sooner or later running his head against the criminal law. But a great trial demands to be signalled by the creation of a new felony, and accordingly it is enacted by the present statute (apparently founded on the model of section 84 of 11 Geo. 4, and 1 Will. 4, relating to personating seamen) that falsely and deceitfully to personate any person or the heir, executor or administrator, wife, widow, next of kin, or relation of any person, with intent fraudulently to obtain any property, shall be felony, punishable by penal servitude for life or for not less than five years, or by imprisonment for not exceeding two years, with or without hard labour, and with or without solitary confinement. It is provided that this penalty shall be cumulative or additional to any other penalty the personator may incur. Fortunately for the peace of mind of justices, the offence is not to be triable at quarter sessions.

POWERS OF APPOINTMENT.

CAP. XXXVII.—*An Act to alter and amend the Law as to Appointments under powers not exclusive.*

The Act 1 Will. 4, c. 46, provided a remedy for the previous unsatisfactory state of the law relating to illusory appointments by, in effect, enabling the donee of a power, in the absence of express direction to the contrary in the instrument creating the power, to cut off with a farthing any object of the power. The farthing, however, must be given or the appointment will be void. In justification of this mode of amending the law, Lord St. Leonards,

the author of the Act, has said (Powers, 449, 8th ed.)—"Some, to whose opinions great respect was due, thought that every power ought to be declared an exclusive one; but this would have trenched unnecessarily upon the rights of parties to prevent their donees of powers from altogether excluding any object. If a father delegate to me a power to appoint amongst all his children, I may not consider a child's conduct to be such as to justify me in giving to him only a nominal share; whereas, if I had an exclusive power, I might, upon slight grounds, give all to one without noticing any of the others. A father, besides, may not choose to have a child altogether excluded, without the donee of the power distinctly declaring that to be his intention." Experience has not shown that these reasons are sufficient to counterbalance the inconvenience arising from the present state of the law; and attention having been directed to the subject by the judgment of the Master of the Rolls in *Gainsford v. Dunn* (22 W. R. 499)—where his Honour expressed a strong opinion that "the reasonable mode of altering the law would have been to make every power of appointment exclusive, unless the author of the settlement had pointed out the minimum share which every object was to get,"—Lord Selborne introduced and carried the present Act, which provides that no appointment made after 30th July last shall be invalid on the ground that any object of the power has been altogether excluded; but nothing in the Act is to affect any provision in any instrument creating any power, declaring the amount of the share or shares from which no object, or some one or more object or objects of the power, shall not be excluded.

REVIEWS.

LEGAL EXAMINATION QUESTIONS.

A Digest of the questions asked at the Final Examination of Articled Clerks in Common Law, Conveyancing and Equity from the Commencement of the Examination in 1836 to the present time, with Answers. By RICHARD HALLILAY. Eighth Edition. By H. WAKEMAN PURKIS, Solicitor. H. Cox.

Books of this kind are a good deal declaimed against, but they sell. The fact is they enable the student to test the extent and accuracy of his knowledge, and they furnish the crammer with the means of measuring the examiner's foot. This particular work also affords to the casual reader an opportunity of judging of the nature of the questions over which articulated clerks for the last thirty-eight years have groaned. We confess that we did not embrace this opportunity with any very pleasurable emotions; but a perusal of a few pages has afforded us more amusement than we could possibly have expected. Let us at once say that neither Mr. Hallilay nor Mr. Purkis is the cause of this diversion. Those gentlemen appear, so far as we have examined the work—and we have tested it on a good many points—to have executed their part of it very carefully. The answers are not always free from slight inaccuracies—see for instance one on p. 139, where it is stated that goods distrained before sale must be appraised by two *duly sworn* appraisers, whereas under 35 & 36 Vict. c. 92, s. 13, no oath is now required from appraisers; also a singular answer as to a tenant's liability for repairs at the foot of p. 35—but on the whole we have found the answers concise and fairly accurate. The cause of diversion and astonishment has been found in some of the questions. The majority are sensible enough, but there is a not inconsiderable proportion which leads us to conclude that at some time or other (perhaps thirty years ago) there must have lived a very foolish examiner. Fancy a reasonable man asking a question in this shape (p. 36), "Is a landlord or incoming tenant, and which, liable at the expiration of a lease, to pay the outgoing tenant in respect of manure, crops, &c., who holds under a lease; and what will be the difference if he be only a

tenant at will?" On this question, (p. 186), "State generally the law of Simony." Why, Lord Selborne, in a paper drawn up at the request of the select committee of the House of Lords on Church Patronage last session, containing his "conception of the law of Simony," divided his statement into fifteen heads, and after all the judge of the Court of Arches declared that he "should hardly have thought it to be *indubitably juris*." Imagine what the answers of the articulated clerks to this question must have been! Take, again, two questions on p. 306. The first is, "What is the effect of the Statute of Mortmain?"—meaning, obviously, the statute 9 Geo. 2, c. 36. The very next question is "What is the meaning of the term 'mortmain,' and why is it an inaccurate form of expression to call the statute 9 Geo. 2, c. 36, the Statute of Mortmain?" It is certainly unkind of the compilers of the book to put these questions so near together. Turning to the opposite page, we come to this most difficult and searching question, "Can gifts of money be made to a charitable society by will?" It is to be hoped that not many bad marks were got in answering that question. We have not nearly exhausted this collection of marvels, but our space warns us to close. Yet we must draw attention to one more—perhaps the most remarkable of all the questions (p. 248)—"What is a guaranteed and what an indefeasible title or estate?" An indefeasible title we have heard of in connection with Lord Westbury's Act, but what is the guaranteed title here referred to? We will enlighten our readers' perplexity. The question is supposed by the authors of this work to refer to a provision contained in Lord Westbury's original Bill, but struck out in committee, for a guarantee of interests not discovered before registration, by a charge on the Consolidated Fund. To be just, however, we must admit that all the questions are not of this bewildering and baffling difficulty. On p. 31 the articulated clerk is asked, "What are the quarter days of the year?"

COPYHOLDS.

A Treatise on the Law of Copyholds and Customary Tenures of Land. By CHARLES ELTON, Barrister-at-Law. Wildy & Sons.

Mr. Elton is probably right in supposing that room exists for a compendium of the law of copyholds. Serjeant Scriven in one of his prefaces spoke of the obligation he felt imperative upon him to "attempt a more extended theoretical treatise on the subject of copyhold tenure," and it must be confessed that while his work impresses the reader with the learning and research of the author, it presents the practical information he is likely to be in search of embedded in the midst of much abstruse disquisition. Mr. Elton, on the other hand, is severely practical. He aims at presenting a succinct statement of those portions of the old law on copyholds and customary freeholds, "which are still necessary to be borne in mind in dealing with customary estates," and he has "endeavoured to shorten the labour of those who are concerned with lands of these kinds by omitting a great part of what is stated in the old abridgments as being rather of historical or archaeological value than of any present practical importance." This design seems to us to have been successfully carried out. We have found very little of practical importance omitted, yet Mr. Elton has condensed his subject within the compass of a handy volume. He does not, of course, cite the long strings of authorities to be found in Scriven; but his selection of cases seems to be judicious, and the recent decisions are carefully noticed. While on this subject, however, we may draw Mr. Elton's attention to the fact that *Everingham v. Ivatt*, cited at p. 173, was taken to the Exchequer Chamber, and is reported 21 W. R. 952, L. R. 8 Q. B. 388.

The chief fault we have to find with the book is an occasional indefiniteness of statement. As an illustration of what we mean, we may refer to p. 210, where we

are told that, "in the absence of a special custom, the lord is the owner of all trees upon the copyhold land, and of all minerals upon the surface or in quarries or mines underground; but the tenant has a possessory interest, and will be protected against any invasion on the part of the lord." Surely instead of the vague words of the last clause in this sentence, it would have been more useful to point out as the result, that where no special custom exists, the licence of the lord is necessary to enable the tenant to open mines or cut trees, and that to enable the lord to do so the consent of the tenant must be obtained, following this up with the statement that in the absence of such a custom trespass will lie against the lord for entering upon copyhold lands to open mines, and that a court of equity will grant an injunction to restrain the lord from opening mines upon the tenant's lands. So also the statement on p. 176 that "where a fine is certain the tenant is bound to pay it immediately after admittance" should have been preceded by the remark that admittance cannot be refused until the fine is arranged; nor, it seems, on the ground that it has not been tendered (see 1 Watkins, 263).

It is right, however, to say that we have not found Mr. Elton in general either inaccurate or incautious. His chapter on rights of common seems to us an excellent condensation of the law on that subject as affecting copyholders; and, on the whole, we think his work may be commended as a useful practical statement of the leading points in the law of copyholds. The appendix contains an abstract of the provisions of the Stamp Act, 1870 relating to copyholds, the forms relating to enfranchisement under the Copyhold Acts, the commissioners' forms and instructions in inclosure cases, and the Copyhold Acts 1852 and 1858.

WORK RECEIVED.

A Treatise on Extraordinary Legal Remedies, Embracing Mandamus, Quo Warranto and Prohibition. By JAMES L. HIGI: Stevens & Haynes; Chicago, Callaghan & Co.

NOTES.

The second chamber of the Court of Appeal at Paris was recently occupied with a rather singular Stock Exchange case. The Abbé Rouxel, formerly vicar of the church of St. Martin, and of the church at Passy, and almoner of the college at Dornfont, being rather deeply bitten with the mania for speculation, employed several different stockbrokers in Paris to conduct transactions for him on the Bourse. The securities in which he speculated fell, and he failed to pay the differences. Being sued for these, he raised the defence that the transactions were of a gambling description, and, as such, illegal under article 1965 of the *Code Civil*. This defence succeeded in several cases. In the recent case M. Rouxel was sued by M. Eggy, a stockbroker, for a balance of 5,698 francs, due in respect of transactions on the Bourse, executed by the order of Rouxel. That reverend defaulter not only raised his favourite defence of illegality under article 1965, but also claimed to have returned to him certain securities which he had deposited with the broker for the balance due to him. It appeared that M. Eggy had acted in the matter with great caution, frequently pointing out to his employer the danger of the course of speculation in which he had engaged, and only executing orders which seemed to him to be reasonable. Nevertheless, the *Tribunal Civil* of the Seine, in July, 1873, held that as the amount of the business transacted by Eggy on account of Rouxel was out of all proportion to the resources of the latter, the transactions must be held to be of a gambling description, and that as the correspondence between the parties showed that Eggy was aware of the illegal character of the transactions, he could not recover his demand, and must deliver up the securities claimed by Rouxel. M. Eggy appealed from this decision. Thereupon the Abbé added to his other demand one for

damages in respect of the depreciation which had occurred in the deposited securities since the time of the judgment decreeing their return. To complicate matters, two ladies now interferred who claimed to be the real owners of the securities deposited by Rouxel. The Court of Appeal reversed the judgment of the *Tribunal Civil*. In delivering judgment the court said it was unnecessary to discuss the question whether the transactions in question were or were not of a gambling description, for they were admitted to be such by Rouxel. The only question, therefore, was whether Eggy, as broker, was aware of their character and lent his voluntary assistance, so as to implicate himself in the illegal acts. Now it appeared, from the correspondence, that Eggy always refused his help to transactions which he deemed to be of a gambling description, and that he had never ceased to address to his employer warnings with reference to the course on which he had entered. The court held, therefore, that M. Eggy was entitled to recover the balance for which he sued, and that upon payment of this sum, but not before, the securities deposited with M. Eggy should be handed by him to the ladies to whom (as Rouxel now admitted) they belonged. As to Rouxel's claim for damages in respect of the depreciation in these securities, the court was of opinion that, while admitting himself not to be the owner, he could not maintain this modest demand, and they condemned him in all the costs of all parties, both in the court below and on appeal.

A singular Bill has been recently before the Legislative Assembly of Queensland, entitled "The Legal Practitioners Bill," the object of which is stated to be to enable every barrister to practise as an attorney, and some attorneys—viz., those who have been admitted five years—to practise as barristers. We gather from a letter in one of the local papers by Mr. C. H. B. Mackay, attorney, of Toowoomba, that the following remarkable reasons for the Bill have been urged in the Assembly:—"1st. That the professions have already been amalgamated in America and New Zealand with satisfactory results. 2nd. That the proposed alteration would cheapen legal expenses. 3rd. That at present the advocate is often wrongly instructed by his attorney, and truth is concealed. 4th. That an advocate not in contact with his client cannot understand the case. 5th. That the barristers at present get all the honour and position obtainable by the legal profession. 6th. That justice should be free, not bought. 7th. That the District Courts, in which attorneys practise, entertain suits up to £200, and therefore might do so up to £3,000." Mr. Mackay combats these statements, and contends, with much force, that the two professions of barrister and attorney "are distinct—as much so as any other ordinary occupations, and that this distinctness manifestly arises from the natural law of a division of labour." He concludes by saying—"This Bill and the arguments in support of it appear only to be a part of that very pernicious doctrine which appears to have sprung up in modern times, that law should be cheap and simple. Those who go with this cry of cheap law in their mouths know little of the subject they speak of so glibly, and seem ignorant that simplicity (so called) is by no means necessarily attended with cheapness. This doctrine has gone too far already; as only one instance may be mentioned—the existing and so much lauded practice of the district courts. By it—with no other apparent object than that of saving a small sum being paid to a professional man—the ancient system of pleading in writing to actions has been abolished. The necessary result of this is to throw upon the plaintiff's advocate great extra labour in preparing for every possible defence which could be suggested, and for which he must be paid by some one, in some shape, much more than the expense of preparing a plea, and to throw upon the plaintiff the expense of bringing witnesses, it may be, hundreds of miles to prove facts which at last may turn out never to be put in issue."

An interesting case recently came before Judge Donohue at New York, involving the question whether midnight music was a nuisance. The plaintiff asked for an injunction against such music; and it appeared, says the *Albany Law Journal*, from the affidavits read in

support of the motion for the injunction, that plaintiff kept a boarding-house and defendant kept a saloon, the rears of both premises coming together. Plaintiff alleged that defendant had nightly negro-minstrel performances, continuing until after midnight; that the performances were accompanied with loud applause; and that in consequence many of plaintiff's boarders left. Defendant answered by opposing affidavits claiming his place to be a public benefaction; that it is about the only place in that portion of the city where a poor man can go in, sit down, smoke his cigar or his pipe, wash the dust down his throat with a glass of lager, and at the same time listen to "consoling and elevating music;" that his four coloured artists "are of high reputation in their line," and effectively render the best compositions of the great masters, including "Yankee Doodle" as an overture, and "Home, Sweet Home"; that his performances are not attended by any disorderly conduct or characters, nor are they unusually boisterous; that, on the contrary, they are patronised by gentlemen of the very highest respectability, including merchants, lawyers, journalists, artists, and such-like, and including such exacting critics in musical performance as James Gordon Bennett, Hugh Hastings, Jerome Buck, and others equally eminent; that plaintiff's boarders, instead of evincing feelings of repugnance to his performances, were accustomed to get out on the roof of an adjoining house, and enjoy such performances free of charge, and that to relieve the mind of plaintiff herself, he had voluntarily consented to close the musical accompaniment of his business at midnight. The defendant was fortified in his theory that his place was not a nuisance, and not the resort of bad characters, by the affidavits of the ward detective and a number of his immediate neighbours, living closer to him than the plaintiff. It further appeared that the saloon was in operation before plaintiff took her house, and that she then knew the character of the performances carried on there. After argument by counsel, Judge Donohue refused the motion for an injunction.

GENERAL CORRESPONDENCE.

BOOK-WISE DEEDS.

[To the Editor of the Solicitors' Journal.]

SIR,—Want of time has prevented my taking earlier notice of a letter which appeared in your Journal a few weeks ago, recommending that deeds should be ingrossed book-wise.*

Having adopted the book-wise system in our office for twenty years and upwards, I may, I trust, be excused if I bring the subject again before your readers, and particularly as the letter of your correspondent, if I remember right (for the letter is not now before me), did not point out in what way the objections against the general use of book-wise deeds might be obviated.

In cases where deeds can be brought into one skin of parchment there can be no objection, but when two or more skins are necessary, some nicety is required to ensure that the skins shall be fastened together with the same degree of security as in the case of deeds engrossed on open skins.

To perforate the last page of book-wise deeds, when there are more skins than one, with the tape on which the seals are to be placed, without at the same time perforating the other skins, is open to two objections—one, that the narrow ribbon which is usually used to unite the skins together might become broken; the other and more important one is that a person wishing to make a fraudulent alteration in the deed might easily do so by removing an inner skin and substituting another.

We obviated these two objections by instructing our stationer (Mr. Anderson, Southampton-buildings) to leave rather a wide stitching margin, and so to arrange the writing as to bring the last part of the deed on the back of the last page but one, with the stitching margin on the right, and sufficient space underneath for the signatures, attestations, &c., and then to run the tape for the seals through all the skins down the stitching margin, thus

uniting the whole in the same manner as deeds engrossed in the ordinary way.

By adopting the book-wise method parchment is saved—both sides of the skins being written upon—and deeds are more easily read and pondered over. In the case of large deeds, and particularly of large family settlements, which are more frequently referred to than other deeds, they may be bound up in a stiff or limp cover—we have preferred the latter. To settlements we usually add a marginal abstract, inserting a clause in the deed to the effect that in construing it the abstract shall not be considered as forming part of the deed.

As some inconvenience may arise from not having room for endorsements, we instruct our stationer to leave a spare page or two at the end, and if any more space should be required, no difficulty will be found in annexing deeds by means of the stitching margin. I trust that these practical suggestions may be useful to any of your readers who may be disposed to adopt the book-wise system.

Lincoln's Inn, Sept. 8.

J. E. W.

APPOINTMENTS, ETC.

SIR JULIAN PAUNCEFOTE, Chief Justice of the Leeward Islands, has been appointed Third Assistant Under-Secretary at the Colonial Office, in consequence of the vacancy caused by the retirement of Sir H. Holland. Sir Julian was called to the bar in Easter Term, 1852, and was formerly Attorney-General at Hong Kong.

MR. CHARLES EDWARD LAKE, solicitor, of Stockport, has been appointed Deputy-Coroner for the Stockport and Hyde divisions of the hundred of Macclesfield. Mr. Lake was admitted in 1865, and is a member of the firm of Reddish & Lake, solicitors, of Stockport.

MR. JOHN BILLINGSLEY PARRY, Q.C., Judge of Circuit No. 36 (Warwick), has resigned his judgeship in consequence of old age. Mr. Parry was called to the bar in 1824, and was appointed judge in 1847.

MR. E. J. LLOYD, Q.C., Judge of the County Court Circuit No. 54 (Bristol), has resigned his office. Mr. Lloyd was called to the bar in 1825. After practising at the Chancery bar for many years, he was appointed, in 1863, to the office he has just vacated, in succession to Mr. W. H. Willes.

OBITUARY.

MR. R. GORDON JUNNER.

We deeply regret to announce the death at Portobello, near Edinburgh, on Thursday, the 27th ult., of Mr. R. Gordon Junner, Barrister, of the Middle Temple. The circumstances under which he met his death are very sad and somewhat remarkable. It appears that while enjoying his holiday in Scotland, Mr. Junner, accompanied by his brother, was leisurely returning homewards on the evening of the 22nd ult. from a long ride in the country, when they met a number of mischievous and seemingly drunken soldiers, one of whom suddenly and wantonly struck the horse on which the deceased was riding a violent blow with a stick he had in his hand. The horse immediately reared and bolted, and Mr. Junner was thrown from his seat. He was taken up in an insensible condition, and it was found that he had sustained serious injuries to the brain and spine. The doctors entertained at first some hopes of his recovery, but after lingering for five days in a wholly unconscious state, he died on the Thursday following the accident.

Mr. Junner was called to the bar in Michaelmas Term, 1865, and went the Midland Circuit. He was gradually rising into a good practice, especially in House of Lords and Parliamentary cases; and we may mention that of the four or five peerage cases which were heard last session before the Committee of Privileges, his name appears as junior counsel in two. Early in the present year he published a volume on "The Practice before the Railway Commissioners," a work of considerable utility, and which was recently noticed in these columns. In private life Mr. Junner had an extensive circle of friends

* *Ante*, p. 549.

who greatly deplore his loss, and by whom he will long be remembered for his genial ways, his keen sense of humour, and the general heartiness of his disposition. Born at Edinburgh in 1841, he was only in his 34th year when he met his death.

MR. CHARLES EDWARD FLUKER.

Mr. C. E. Fluker, solicitor, died suddenly at Bognor, in Sussex, on the 3rd inst. He was the youngest son of Mr. James Fluker, solicitor, of No. 3, Serjeants'-inn, Chancery-lane, and was educated at Roxburgh House Academy, under Mr. Charles Prout Newcombe. He took honours at the Senior Oxford Middle Class Examination in 1867. After serving his clerkship in his father's office he was admitted an attorney and solicitor last Hilary Term, having passed his final examination in the preceding Michaelmas Term.

THE JUDICATURE COMMISSION ON PUBLIC PROSECUTORS.

REPORT OF THE COMMITTEE ON THE ADVISABILITY OF APPOINTING A PUBLIC PROSECUTOR.

The Committee has had under its consideration the advisability of appointing a Public Prosecutor.

The Committee is unanimous in thinking that it is advisable that a Public Prosecutor should be appointed.

It is also unanimous in thinking that it is desirable that there should be one Chief Public Prosecutor in the Metropolis with a sufficient staff and subordinate Public Prosecutors in different districts.

On the details of the scheme some differences of opinion exist.

These will be found expressed in two papers, one the Memorandum prepared by the Lord Chief Justice of England, and the other the Draft Report prepared by Mr. Justice Blackburn, and revised by the Committee.

The Committee considers that it will be best fulfil the intentions of the Commission in referring the matter to the Committee by laying both these papers before the Commission without further comment. The Commission will then be in a position to form its own opinion on these points.

THE REPORT.

Preliminary Observations.

The Committee has had before it the evidence taken before the Committee of the House of Commons, ordered to be printed on 9th August, 1855. It has taken some evidence as to the mode in which criminal justice is administered in the Colony of Victoria, in which the law is substantially the same as that of England; and also some evidence as to the mode in which the investigation of criminal charges is practically conducted by the Prosecutor Fiscal in Scotland, from which it appears that the Criminal Law in Scotland is radically different from that in England; and the practice in that country could not be adopted here without very extensive changes in the law.

The Committee has been furnished by the Home Office with much valuable information, and with a confidential statement of the scheme at present under the consideration of the Government.

It is unnecessary to say that particular attention has been bestowed on this scheme, and that, as far as possible, the suggestions now made are framed so that they may be considered along with it. Much of that scheme consists of provisions for taxing and regulating the costs of prosecutions, a matter which does not fall directly under the notice of the Committee. Indirectly it does, for the extra expense of any scheme proposed is an important element in considering whether the good to be expected from the change is worth what it will cost.

The committee proceeds on the assumption that it is agreed that it is desirable that no part of the cost of bringing an offender to justice should be borne by the person injured. It is not possible to prevent some inconvenience which must be borne by those who are witnesses in a criminal case; it should, however, be made as light as possible, and no additional burthen should be cast upon them. And in considering the expense which would be occasioned by any scheme of this kind, the costs which are now incurred by private persons, and which would under the scheme be borne by the Government, ought not to be considered as extra expenses of the scheme, though they would increase the charge upon the Treasury.

The Committee has not taken into consideration those proceedings which are instituted with a view to a summary conviction. This Report is confined to proceedings instituted with a view to a criminal trial by jury. Nor has the Committee inquired whether or not any improvement could be made in the present course of administering criminal justice in England; but has considered the scheme for Public Prosecutors as applicable to the existing criminal procedure. Should any changes be made hereafter in the criminal law, any scheme for Public Prosecutors now framed may be altered so as to adapt it to those changes.

It is the opinion of the Committee that it is desirable that there should be some scheme adopted for providing Public Prosecutors in England and Wales.

Whatever scheme is to be adopted, it seems desirable that there should be no interference with the prerogative of the Crown, and the powers exercised by the Attorney-General as representing it; and as little interference as possible with the powers of private persons to institute prosecutions. And that the new scheme should (at first, at least) be concurrent with the existing procedure. Should a scheme for Public Prosecutors be framed and work so as to give satisfaction, it is probable that private prosecutions would cease to be instituted, as is practically the case in Scotland, where, as it seems, the right of a private person to institute a prosecution exists, but has only been exercised once in the last fifty years.

Proposed Classes of Cases to be conducted by the Public Prosecutor.

The first question to be considered is, what class of cases should be conducted by Public Prosecutors, and consequently at the public expense. There seem to be three classes of cases:

1st. There are matters not really of a criminal nature, involving only civil rights, but for which the remedy is by an indictment. Such, for instance, are indictments for not repairing or for obstructing a high road. These should be conducted by and at the cost of the parties interested. The Public Prosecutor should have no power to take up such cases.

2nd. There are cases such as indictments for common assaults, and for libels on private persons, and for public nuisances, and others which might be suggested. These are often in their nature proceedings to obtain redress for private wrongs, which, if instituted at all, should be instituted at the cost of the party aggrieved, but sometimes are of such a nature that the interests of public justice require that the injured party should be protected. In cases, therefore, within this class the Public Prosecutor should not intervene, unless directed to do so by some superior authority. It is a point of importance to determine who that superior authority should be, and that will be considered hereafter.

3rd. The third class would embrace all other cases, whether technically called felonies or misdemeanours, for, as a general rule, all cases that are proper subjects for criminal proceedings at all, are proper cases to be conducted by a Public Prosecutor.

The present state of the law as to the allowance of costs is not such as to afford any satisfactory guide in defining what cases should fall within these three different classes. It will be found that costs have been allowed or not in different acts of Parliament without much regard to principle. Probably, the only practical course is to define as far as practicable that class of cases in which, by the law as it now stands, a proceeding really instituted merely to obtain redress for a private wrong, may be criminal in its form, and to enact that in such cases a Public Prosecutor should not intervene without directions from a superior authority.

Existing System of conducting Prosecutions.

In considering the general subject, and the defects in the present system, it is convenient to divide a prosecution, as at present conducted, into four stages:

1st. After it has become known that there is ground for thinking that a crime has been committed, some one ought to investigate whether there really has been a crime, and if so, to find out if possible who is the criminal, and whether there are grounds for charging any individual with the crime, and bringing him before a justice of the peace.

2nd. The conduct of the case before the justice after some particular person has been charged. Some one then ought to procure and bring before the justice the proper evidence to guide him in the exercise of his jurisdiction as

to remanding, committing or discharging the accused, and also as to taking bail.

3rd. The conduct of the case after the prisoner has been committed, and before trial, when there ought to be some one to consider whether the evidence adduced before the justice was trustworthy, and whether further and better evidence may not be obtained; and also to investigate the truth of any allegations made by the prisoner, and the credibility of the testimony, if any, produced by him before the justice, so as on the one hand to give a poor and ignorant prisoner the benefit of anything found to be true, and on the other hand, to be prepared to meet any false defence, all of which duties may be condensed into the single expression "to get up the brief."

4th. The trial itself.

The present system leaves the conduct of a prosecution during all these four stages to the police and to private persons, who may, if they choose to be at the expense, obtain the assistance of attorneys and counsel.

The first stage is, in the great majority of cases, satisfactorily conducted by the police, though there are cases in which it is desirable to have on the spot the intervention of a person of superior skill and intelligence at the beginning, to test the accuracy of the conclusions drawn by the police from circumstances, suggest further inquiries, and in short, conduct himself as an intelligent attorney charged with the getting up a civil cause for trial usually does. To be effectual, however, the intervention should be early, for many of the little circumstances which are of importance in fixing suspicion on the right person are soon forgotten or lost sight of.

The second stage is in general satisfactorily conducted by the police, but there are exceptional cases in which the intervention of a Public Prosecutor would be of great use. There are sometimes cases of difficulty, the proper investigation of which before the justices requires more skill than can be reasonably expected from the police. And there are cases in which, after a private prosecutor has employed an attorney and the case has been proceeded with for some time, the prosecution is dropped under such circumstances as to give reason to suspect that the accused or his friends may have made terms with the prosecutor, and that the case, though one which ought to be prosecuted, is compromised.

The conduct of the case during the third stage is in practice almost entirely neglected; the brief delivered to the prosecuting counsel, in the great majority of cases, consisting merely of a copy of the depositions as they left the justice's clerk.

The conduct of the case at the trial is at present in general satisfactory, in as far as it can be, when the case is imperfectly got up. But there is practically found to be an objection to allowing the conduct of the case at the trial to remain in the hands of the police. The police are in a great many cases important witnesses, and when a prosecutor is also a witness, there is a risk of his becoming biased in his testimony. There is reason to fear that in some cases the police are really biased in their evidence, and it is quite certain that the counsel for the defence very often impute such a bias to them. It is therefore desirable that prosecutions should not be conducted at the trial by the police.

Intervention of the Public Prosecutor.

The first matter which your Committee took into consideration was whether it was desirable that the Public Prosecutor should intervene in the earlier stages of the prosecution, and the result of their consideration is that, as in the great numerical majority of cases, his intervention would not be required, it was not desirable as a general rule that he should do so; but that it was desirable that there should be a discretionary power in some superior authority to direct that a Public Prosecutor should intervene at any stage.

Mode of appointing Public Prosecutors.

The next subject to which your Committee directed its attention was, what was the best practical mode of appointing Public Prosecutors, and what class of persons they should be.

The defects in the present system, above pointed out, arise chiefly from the want of some intelligent person to perform the work which in this country is usually performed by attorneys. It would therefore seem desirable that the Public Prosecutors should be persons capable of performing

that species of work and resident generally near the spot, but subject to the control of some superior authority. In selecting them there must be a difference according to the nature of the places; for though the law is the same throughout England and Wales, there always must be a practical difference between the Metropolis and the country, and also between those parts of the country containing large towns, or in which there is a dense mining or manufacturing population, and country districts where the population is rural.

The opinion of the Committee is that the metropolis should form one district, and that the rest of England and Wales should be divided into districts, within each of which there should be a sufficient number of local Public Prosecutors resident, who should be attorneys. The boundaries of those districts must depend upon the nature of the place, and whether it is densely peopled or not, and that must be left as a matter of detail to be settled by the Government, either in the Act, or by a power taken in it, to appoint and vary them from time to time.

It is, however, probable that in places where the population is not dense it would be convenient to make each district conformal with the petty sessional division, within which one local Public Prosecutor would be sufficient.

In country districts, there almost always is at least one attorney who is a suitable person for the office of Public Prosecutor, and who has been induced to settle within the petty sessional division in the hope of uniting in himself the offices of clerk to the justices, to the highway board, to the guardians of the poor, and so on; these are offices of which each taken by itself is not of much emolument, but which taken together are a sufficient inducement to make a respectable man settle in the district, the more especially as the possession of those offices, being a voucher for his respectability, tends to procure his employment in civil business. It seems, therefore, desirable that the Public Prosecutor in country districts should (at least by preference) be the clerk to the justices, and that he should be at liberty to hold other civil situations and to practise in civil matters. In cases in which the intervention of a Public Prosecutor before the justices is ordered, the clerk to those justices could not well act, but there would be no difficulty in such cases in substituting another Public Prosecutor.

The Salaries of Public Prosecutors, and restriction as to practising.

It seems clear that no Public Prosecutor ought to be allowed to practise privately in criminal cases at all, and that he should be paid by a salary.

It is believed that a moderate salary would suffice to induce the clerks of justices to undertake this additional duty, at all events, if provision were made for additional remuneration in cases of exceptional magnitude or importance. In country districts the Public Prosecutor is to be debarred from taking other business not criminal, the salary must be high, and it would often be difficult to procure a suitable man on any terms. In towns or densely-peopled districts there is generally an ample number of persons qualified to fill the office of Public Prosecutor, and quite willing to take it. They also ought to be prevented from directly or indirectly practising in other criminal business; and ought to be paid by salary. Whether it would be expedient to debar them from taking civil business must depend on the size of the district, and the quantity of work for the Public Prosecutor. In the metropolis, and perhaps in large towns, it might be expedient to stipulate for their entire services.

In all cases it seems advisable that the local Public Prosecutors should be paid by fixed salaries, and not by fees, so as to avoid any imputation of a bias to bring cases improperly into Court. It is not likely that in fact Public Prosecutors would be biased by such an unworthy motive, but it is almost certain that it would be imputed to them.

The cases in which a special inquiry or prosecution is ordered by the Chief Public Prosecutor, probably must be an exception to this rule, on account of the difficulty of fixing a salary for services so uncertain in their amount, and so irregular in their occurrence.

Details of a scheme for constituting the office of Public Prosecutor.

The following are the heads of a scheme which would carry these suggestions into practice. They cannot be considered more than heads for the consideration of those who have to frame the Act:

1. There should be a Chief Public Prosecutor, having his office in London, and provided with an adequate staff, and the means of obtaining legal advice, whose functions should embrace the superintendence and control of local Public Prosecutors resident in each district.

2. The Public Prosecutors in the metropolitan district should be attached to or belong to the office of the Chief Public Prosecutor, and their services be available in any district.

3. The rest of England and Wales should be divided into districts, in each of which there should be a sufficient number of resident Public Prosecutors, subordinate to and under the control of the Chief Public Prosecutor.

The Chief Public Prosecutor should be of the same status as the permanent Under Secretaries of State; and like them should not change with a change of Ministry, but be liable to be dismissed at pleasure by the Secretary of State for the Home Department, to whose office he should be attached.

It would be necessary that the Chief Public Prosecutor should have a sufficient staff attached to his office, and have the means of commanding legal assistance whenever he required it.

Under him and attached to his office there should be a sufficient number of Public Prosecutors resident in London, who should under his directions conduct all prosecutions at the Central Criminal Court and the Middlesex Sessions, and probably those arising within the metropolitan district, and investigated before metropolitan Police Magistrates, but tried in Kent, Surrey, or Essex. There should also be a sufficient number of Public Prosecutors resident in each town district; all these both in London and in town districts, should be available when required by the Chief Public Prosecutor for services out of their respective districts: and there should be a Public Prosecutor resident in each country district.

The Public Prosecutors in each district should be under the control of the Chief Public Prosecutor, and be entitled to apply to him for advice and directions in any cases in which they feel difficulty.

It will probably be desirable that in large towns, at a distance from London, there should be persons appointed of a higher class than ordinary Public Prosecutors, but still subordinate to the Chief Public Prosecutor to whom, as local Head Public Prosecutors, the Public Prosecutors of the vicinity might apply for advice and directions in cases in which an application to the Chief Public Prosecutor in London might occasion delay or inconvenience.

The places in which there should be such Head Public Prosecutors, and the limits within which the Public Prosecutors should apply to them, instead of the Chief Public Prosecutor, must be left to be settled as questions of detail.

It would be necessary that the Chief Public Prosecutor should be entrusted with great discretionary powers, and to prevent his being harassed vexatiously, it would be advisable to provide, that for the due exercise of these powers, he should be responsible only to the Secretary of State, or in case of criminal misconduct, to an information or indictment at the instance of the Attorney-General; but no person should be allowed to bring an action against the Chief Public Prosecutor or his deputies for anything done in the course of their duty.

The general direction to all local Public Prosecutors should be to take up the prosecution of all cases (not falling within the class which shall be defined as those which shall not be taken up without special directions) on the committal by the magistrate or on the finding of a bill by a grand jury, without any special directions; and to report to the Chief Public Prosecutor any cases in which there has been a committal for a crime falling within that class, and to take it up or not according to the directions he may receive. It ought, however, to be within their functions and part of their duty to give advice to the police of their district, when applied to, at all stages of any prosecution.

The Chief Public Prosecutor should have a discretionary power to direct any Public Prosecutor (not being the clerk to the justices before whom the case is to be investigated) to take up any case at any stage. Power should be given to the Chief Public Prosecutor from time to time to delegate this power to any local Head Public Prosecutor, or any other local Prosecutor, whom he thinks fit to entrust with this discretion, as his substitute.

It should be the duty of any magistrate, and of the police in any district, to call the attention of the Chief Public Prosecutor or his substitute to any case which in his opinion may

be fit to be so taken up. But the Chief Public Prosecutor or his substitute should act upon his own responsibility; he should not be bound to act upon such a requisition, and should be at liberty to act without it.

In cases where a prisoner appears to be too young, too poor, or too ignorant, to procure evidence or witnesses on his own behalf, or in cases of suspected insanity, the Public Prosecutor should have a discretion to secure the production of evidence and attendance of witnesses for the prisoner.

Local Public Prosecutors (including the Local Head Prosecutors if it is thought fit to appoint them) should be deputies to the Chief Public Prosecutor, bound to obey his directions, and liable to be removed at his pleasure. There is very little danger of this power of removal being abused. The greater risk is that persons once appointed would be continued after their incompetency was discovered.

The local Public Prosecutors and the police should be directed to apply to the Chief Public Prosecutor's office for advice and directions whenever they felt any difficulty; and the Chief Public Prosecutor should have power to give them such directions as he thought fit. All persons who thought they had ground for making a complaint as to the conduct or the negligence of the police, or of any local Public Prosecutor in respect of the investigation or prosecution of any criminal charge, should be allowed to complain to the Chief Public Prosecutor, who should have discretionary power to deal with such complaints as he might deem fit.

The Chief Public Prosecutor should have discretionary power to order the investigation and prosecution of a criminal charge to be conducted at any stage by any person whom he thought fit. In practice, he would doubtless, in general, entrust this to some one of the Public Prosecutors who are his deputies, but it would be probably advisable not to limit his discretion so far. It is for the Government to consider whether the Chief Public Prosecutor should or should not take upon himself any portion of the duties as to prosecutions now discharged by the Solicitors to the Treasury, Post Office, and Mint.

Conduct of Trial.

There does not appear to be occasion to make any change in the manner in which the trial itself is conducted at present.

Employment and Retainer of Counsel.

Counsel should be employed always at Assizes, and in general at Quarter Sessions, and those counsel should in general be selected by the Public Prosecutor, who is responsible for the satisfactory conduct of the case. In special cases the Chief Public Prosecutor might give directions as to who were to be employed; but it is not thought desirable that there should be a standing counsel for all prosecutions, either at the Assizes or at Quarter Sessions. It may perhaps be different at the Central Criminal Court.

Power to Secretary of State to regulate Procedure.

As unforeseen matters may arise, it would be advisable to take by Statute, powers to the Secretary of State with the concurrence of the Law Officers of the Crown, to make from time to time rules to regulate the practice in cases of prosecution.

Preservation of existing Procedure in certain Cases.

It is advisable that, in the first instance, as little change should be made in the general law as possible.

The powers of the Crown, acting by the Attorney-General, to prosecute as heretofore should be untouched.

So should the system of criminal information by a private relator in the name of the Queen's Coroner and Attorney by order of the Court of Queen's Bench, a power which is anomalous in theory, but which, as worked for many years, is of practical benefit.

And the powers of a private prosecutor should be preserved. If the Public Prosecutors conduct themselves (as it is to be expected that they will) so as to acquire public confidence, it may be expected that private prosecutions will fall into disuse, as they have in Scotland.

It should, however (in order to prevent unseemly alterations in Court), be provided that where a Public Prosecutor does take up a prosecution he should, in all cases, have the conduct of the prosecution either before the justices or at the trial, in preference to any private prosecutor.

The system of coroners' inquests may for the present be allowed to remain, but it should be provided that the finding of a coroner's jury should not any longer have the effect of an indictment, but only authorise the issuing of a warrant by the

coroner to bring the accused before a magistrate, and operate as instructions to the police and the local Public Prosecutor to investigate the charge.

6th June 1873.

The following is the Memorandum of the Lord Chief Justice of England mentioned in the Report :—

THE MEMORANDUM OF THE LORD CHIEF JUSTICE OF ENGLAND ON THE ADVISABILITY OF APPOINTING A PUBLIC PROSECUTOR.

I concur with the other members of the committee in the opinion that the appointment of a Public Prosecutor is desirable, but I am unable to concur in recommending in all its details the scheme for constituting the office of Public Prosecutor which has been submitted for our consideration.

Every act which the law constitutes a crime is, as such, an offence, not against the individual who may have been injured by it, but against the Community or State. Where therefore an offence has been committed, it ought not to be left to the will or the ability of an individual to institute a prosecution, but such prosecution should be instituted by, and on behalf of, the State, through its appointed officer; in other words, by the Public Prosecutor. And not only is this clear in principle, but it holds good also in point of practical expediency. For, so long as the prosecution of an offender is left to the individual injured, not only may offences be condoned which ought to be prosecuted to conviction and punishment, but prosecutions may, and frequently do, fail from the want of means, or of legal knowledge or care in the prosecutor, or in those to whom he has committed the conduct of the prosecution.

The English system, differing in this respect from that of Scotland, and of all the nations of the continent, leaves the prosecution of offences to individuals, without further security for the due conduct of the proceeding than the binding over of the intended prosecutor by the committing magistrate.

The Attorney-General is, indeed, in theory the Public Prosecutor, and has so far the control over the proceedings in criminal cases, that he has power, by entering a *nolle prosequi*, to stay all further proceedings in a prosecution. But the only instances of prosecutions by the State are those for treason or sedition, or where the Attorney-General files an information *ex officio* for offences against the Crown or Government, or where prosecutions are instituted by public departments, as by the Post Office or the Mint, for offences in which such departments are specially concerned, or where prosecutions for injuries to private individuals are taken up by the Government by reason of their peculiar gravity and importance, or of special circumstances rendering it desirable that the Government should come to the assistance of, and take the place of, the individual prosecutor. Even in such cases the action of the Government is not determined by any legal authority, but depends on the will of the Commissioners of the Treasury. This system, which thus leaves the prosecution of offenders in general to private prosecutors, is not only faulty in principle, but not unfrequently defective in its results.

It seems to me that both in theory and in practice every prosecution, however small the offence, should be subject to the control, and, if necessary, to the action, of a public officer or officers appointed by and responsible to the State.

It is no doubt true that, to a very considerable extent, the present system, practically speaking, answers its purpose. In the great majority of cases, especially as regards the more common offence of larceny, the proofs are clear, and may be collected without difficulty. The evidence is got up, and the witnesses are got together, and brought in the first instance before the magistrate, and afterwards before the Court by the local policeman. The evidence having been given, the prisoner is in the first place committed, and the evidence having been repeated on the trial, a verdict of guilty is pronounced, the prisoner receives sentence, and justice is satisfied. But, even in these apparently simple cases, it seems to me that this mode of proceeding is scarcely satisfactory. It is, as it strikes me, scarcely consistent with the proper administration of justice in criminal cases, that the police, whose proper functions are to prevent or detect crime, and to apprehend offenders, should be entrusted with the duty

of getting up prosecutions, and of communicating with the witnesses. I have a high opinion of the police in general, but my experience satisfies me that their zeal sometimes leads them too far, and that the getting up of prosecutions should not be left to them after the first stage of the proceeding,—certainly not without proper control.

With this reservation, however, if all offences were of the simple class just referred to, there would be but little necessity for any material alteration in the present system. But cases of a more complicated and difficult character too often present themselves, in which the detection of the criminal, or the proof of the crime, is of greater difficulty, and calls for a greater demand of knowledge and skill. It is true that in the more serious and difficult cases the private prosecutor in general employs an attorney. But it is optional with him to do this, and the attorney is not always conversant with criminal law; he has generally other business to attend to; he is satisfied with the evidence on which the prisoner has been committed, when some link in the proof is yet wanting to establish conclusively the guilt of the accused.

There can, I think, be no doubt that offenders frequently escape, not only by reason of want of ability in their discovery or detection, but also through deficiency of knowledge, skill, or care in bringing the case into Court.

It seems to me therefore that every prosecution should be either under the entire direction or control of the Public Prosecutor, or at all events within the reach of it—the simple class of cases because no prosecution should be left to the uncontrolled management of the police, the heavier ones by reason of their gravity and importance—and offences of every class where difficulty of proof presents itself, in order to prevent the prosecution and punishment of offenders from being frustrated by want of knowledge, skill, or care in conducting the proceedings.

It is obvious that, according to the gravity or difficulty of the particular case, the interference of the Public Prosecutor may be called for in a greater or less degree. In the simpler class of cases, the mere supervision of a subordinate functionary would be sufficient. In the more important or difficult cases, the active intervention of functionaries of a higher order may be essential to the efficient conduct of the prosecution.

I entirely concur in thinking that an officer should be appointed as the Chief Public Prosecutor. A single officer could not possibly superintend and direct prosecutions all over the country, and it follows that in any effective scheme the country must be divided into a given number of districts, and an officer appointed for each of them. It would no doubt be possible to leave each of such officers independent of any other; but I have no hesitation in thinking that the appointment of one Chief Public Prosecutor, who should have the general control of all public prosecutors throughout the country—as his deputies or subordinates, would be infinitely preferable.

But the main point on which I differ from the proposed scheme has reference to the distinction recommended to be made between town and country districts as regards the qualification of the officers to be appointed. I cannot concur in recommending the adoption of such a distinction. If men of superior legal attainments and experience are to be appointed for urban districts, or for counties having a mining or manufacturing population, I can see no reason for appointing officers of inferior capabilities for agricultural districts. It is true that offences are less frequent in agricultural and less densely populated parts of the country; but the offences committed in the latter are frequently by no means of a less grave character, or less difficult of detection and proof. To provide that the magistrates' clerks shall in these districts be the Public Prosecutors would be to leave things just as they are at present. Almost all the prosecutions in the rural districts are now conducted by the magistrates' clerks; and though in the ordinary run of cases, these gentlemen do their work efficiently, the system has not worked satisfactorily, as appears to be evidenced by the general demand for the institution of Public Prosecutors. The position of the justices' clerk is no doubt a guarantee for the respectability of the practitioner, but is scarcely a sufficient test of the knowledge and ability required in a Public Prosecutor.

The only distinction which should be made, as it seems to me, between town or other populous districts, and purely agricultural counties, is this, that offences being less frequent in the latter, the districts committed to the local officers might be larger, and the number of these officers consequently

smaller. But, as regards qualification, there should be no distinction whatever. What is wanted is the superintendence, control, and direction, whenever required, of a superior capacity and judgment. To leave the conduct of prosecutions in the hands in which it at present remains would, so far as concerns the districts to which this principle is proposed to be applied, have the effect, I cannot help thinking, of marring altogether the efficiency of the proposed institution.

It may be said that it would always be open to these officers to apply to the Chief Prosecutor for advice or direction; but there might not always be sufficient time to admit of such a proceeding, and the number of such applications from a number of officers distrustful of their own competency, and fearing the responsibility of acting on their own judgment, might prove very embarrassing.

Another part of the proposed scheme in which I am unable to concur is that which leaves any doubt as to the power or duty of the Public Prosecutor to intervene from the earliest commencement of a criminal prosecution.

At present, where a crime has been committed, the detection of the offender is for the most part left to the police, who generally take the matter into their own hands. The result is by no means always satisfactory. Sometimes, led on by an indiscreet zeal, they arrest, or cause to be kept in imprisonment, persons against whom there is no proof, and who are afterwards discharged, or against whom, on their being brought to trial, the proof breaks down. On the other hand, it sometimes happens—more especially in the rural districts—that the police, from want of skill or intelligence, prove inefficient in tracing and apprehending persons who have committed crime. To make the system of public prosecutions complete, every case should at the earliest moment be brought to the knowledge, and be subject to the direction and control, of the public officer of the district, and it should be competent to him to intervene at any stage though, in the great majority of instances, he might deem it unnecessary to do so earlier than for the purposes of the trial.

The system which I would venture to recommend would be this:—

There should be a Chief Public Prosecutor—an Officer of the State. He should be a barrister of standing and attainments, experienced in the practice of Criminal Courts. He should hold his office during good behaviour. If he were made removable at the pleasure of the Government, it would be difficult to induce members of the profession of sufficient standing and qualification to accept the office.

The whole of England and Wales should be divided into a given number of districts, according to the number and character of the population, and for each of these a Public Prosecutor should be appointed. All these should be subordinate to the Chief Public Prosecutor, and act as his deputies, and be bound to obey his directions; they should be removable at his discretion, with the concurrence of the Secretary of State of the Home Department.

London and the area comprised within the jurisdiction of the Central Criminal Court, or possibly one extending over the whole of the Metropolitan counties of Kent, Surrey, and Essex, should constitute a district of itself. For this district a sufficient number of Public Prosecutors should be appointed, and these should constitute the immediate staff and council of the Chief Prosecutor, should assist him with their advice, and under his directions conduct all prosecutions within the district in question.

All persons holding the office of Deputy Public Prosecutor should be barristers or attorneys of a given standing. They should be paid by salaries, not by fees, and be required to give up all other practice. It should be their duty in all cases of more than ordinary difficulty to communicate with the Chief Public Prosecutor, and act under his instructions.

It should be the duty of the police, as soon as a crime is known to have been committed, or a person suspected of a crime has been apprehended, to report the same to the Local Public Prosecutor; and it should be made incumbent on the magistrates' clerks to transmit the depositions, as soon as taken, to that officer, with any remarks which the case may appear to them to call for. A slight addition to the salaries of these clerks would compensate them for this new duty. It should not only be competent to the Public Prosecutor, but made incumbent upon him, to intervene in the conduct of the case at any moment that the circumstances may seem to him to require it. In every case which proceeds to trial it should be his duty to look through the depositions, and to see that the proofs are complete before the case comes into Court. If

further evidence should appear to be required, it should be his duty to take the necessary steps for procuring it, if possible. It should be his business to prepare the brief and instruct counsel—in short, to do all that the attorney employed by a private prosecutor now does. It should be his duty to attend at all assizes and sessions held within his district, and to conduct the prosecutions on such occasions.

It is obvious that to discharge all these duties the Local Prosecutor would require a staff of two or three clerks; no man could efficiently perform them without assistance. All this would no doubt entail considerable expense, but it must be remembered that all the costs now allowed on taxation to attorneys concerned in prosecutions would be saved; so that it may be doubted whether, while a more efficient administration of justice would be introduced, the country would not on the whole be a gainer in a pecuniary point of view. Even if this should not prove to be so, if a new system by which the prosecution of offenders is to be transferred to a Public Prosecutor, instead of being left to the management of private individuals, is to be established, the question should not be considered as one of pounds, shillings, and pence, but should be looked at solely with reference to the means by which this department of the administration of justice can be most effectually carried on. No economy can be more ill judged than that which would make the prosecution of offenders with a view to the suppression of crime a matter of pecuniary consideration. Our business, as it seems to me, is to suggest the means by which the prosecution and conviction of offenders may be most effectually carried on and insured, leaving to the Government and the Legislature to determine whether our recommendation shall be carried out or not. Of one thing I am assured, that it would be better to leave things as they are than to substitute for the existing system anything which shall not be a comprehensive and thoroughly efficient institution in the place of it.

If a Public Prosecutor should be appointed, invested with the powers thus proposed to be conferred on him, it seems to follow that in all cases within his authority the power should be given him to put an end to the prosecution at any stage up to the time of the accused being given in charge to the jury. The power, now vested in the Attorney-General, of entering a *nolle prosequi* should, therefore, in such cases be vested in the Public Prosecutor, nor should it be competent to the Attorney-General to interfere with his discretion in this respect by the exercise of his power. In other words, the power should be transferred from the Attorney-General to the new officer.

I concur in thinking that all prosecutions in which the Government is immediately concerned should be left to the Attorney-General, without interference on the part of the Public Prosecutor, except so far as the Government may call for the services of the latter officer. I agree that the power of the Attorney-General to file *ex officio* informations should be left untouched, and that it should be competent to the Government to leave the conduct of Government prosecutions to its own officers; but the cases in which at present the Government occasionally takes up the prosecution as being beyond the means of private individuals, or of too much importance to be entrusted to them, should, if a Public Prosecutor is appointed, be left entirely to him, as of course all prosecutions instituted by him will be conducted at the public expense, and it must be assumed that the Public Prosecutor will take care that all prosecutions will be vigorously and efficiently conducted. But I think it essential that it shall still be competent to the Government to call on the law officers to conduct the prosecution on the trial. It

becoming and proper that in the prosecution of great crime the Crown should be represented by its own officers. Indeed the only ground for not attaching the office of Chief Public Prosecutor to that of the Attorney-General appears to be the impossibility of that great officer, with the multifarious duties which he has to discharge, being able to give to the new office the attention which it would necessarily require. But I would disconnect him as little as possible with the administration of criminal justice in matters in which he has hitherto been concerned in it; and I think it would be highly desirable that the Chief Public Prosecutor should be at liberty in cases of unusual importance to seek the advice of the law officers and to take their opinion on points of difficulty.

I am not insensible of the inconvenience which might result from the distribution of briefs at the sessions and assizes being placed in a single hand, nor do I think that this should be left to the uncontrolled powers of the Local Prosecutor, or indeed, of the Chief Prosecutor himself. But I think there would be

no difficulty in making an arrangement by which any possibility of abuse would be obviated.

Court of Queen's Bench,
26th May, 1873.

A. E. COCKBURN.

MEMORANDUM OF MR. BATESON AND MR. LOWNDES.

A paper by Mr. Bateson and Mr. Lowndes on the foregoing Report of the Committee and Memorandum of the Lord Chief Justice of England is inserted in the First Appendix, which has not yet been issued.

THE DENBIGHSHIRE COUNTY COURT JUDGE.

The *Times* says: "A public meeting was held at the Town-hall, Rhyl, last evening (Wednesday) to consider and determine the propriety and expediency of memorialising the Lord Chancellor to remove Mr. Vaughan Williams from the office of judge of the North Wales County Courts, and what steps should be taken to assist Powell, the car-driver, in his proceedings to obtain redress for his imprisonment by the judge. The Chairman, Mr. James Taylor, said he believed in his heart that the gentleman whose conduct they were about to discuss was more to be pitied than to be blamed. He should be sorry indeed for it to be supposed that there was a vindictive feeling towards Mr. Williams. Mr. Watkin Williams, Q.C., M.P., moved the principal resolution:—"That an address be presented to the Lord Chancellor praying his Lordship to remove Mr. Vaughan Williams, judge of the North Wales County Courts, from his office for inability and misbehaviour; and that the Chairman be requested on behalf of this meeting to draw up and sign an address to the Lord Chancellor in the terms of this resolution, and to forward it to his Lordship with a report of this meeting. At the same time this meeting do not desire to prejudice any petition which may hereafter be presented to the Lord Chancellor for a pension to the judge if it should appear that he is afflicted with any mental infirmity disabling him from the due execution of his duties." Mr. Williams said it was with pain and concern that he came forward to move this resolution and take a prominent part in these proceedings, but he did so from an overpowering sense of duty as a public man and a representative of that district. Nothing was more foreign to the intention of the promoters of this meeting than to excite feelings of indignation and animosity against this unfortunate gentleman, but under the County Courts Act, under which the judge held office, the Lord Chancellor could not proceed to take steps to remove him from office without having the support of public opinion. If this resolution were passed, and it was followed by representations from other public bodies, his Lordship might call upon the judge to show cause why he should not, for inability and misbehaviour, be removed from office. The judge would then have an opportunity of being heard by the Lord Chancellor. A judicial inquiry could next be held, and evidence be had whether the complaints made were well founded or otherwise. If they were found to be well founded, the Lord Chancellor could remove the judge from office. Mr. Vaughan Williams had conducted the business of his courts in such a way as to cause the most anxious and painful feelings, and had brought the administration of justice into contempt and ridicule, besides diminishing the business of the courts and their value for the speedy administration of justice in small matters. In the case of Powell, the liberty of the subject had been infringed. The present meeting had had the courage to stand up in vindication of their rights. Mr. Edward Vaughan seconded, and Mr. Green, of Liverpool, supported the resolution. Mr. P. Ellis Eytton, M.P., proposed an amendment, which was seconded, but was rejected almost unanimously. A resolution that an appeal should be made for pecuniary assistance for Powell and appointing a committee was passed. A vote of thanks to the chairman closed the proceedings, in the course of which it was stated that at Carnarvon that day Mr. Vaughan Williams threatened to commit Mr. Green, of Liverpool, to prison, and called another legal gentleman an 'old woman.'

Mr. E. Vaughan Williams has since resigned the judgeship of the North Wales County Courts. This step, says the *Times*, has been taken solely on the recommendation of his friends and medical advisers, and without regard to the

tone of the meeting held at Rhyl on Wednesday. Mr. Williams has been in a very critical state of health for some time, and to this cause alone are due circumstances which have recently attracted so much public attention to his proceedings. He is now lying at Bangor dangerously ill.

RELIGIOUS EDUCATION OF INFANTS.

The law has very uniformly ordered that the child shall be brought up in the religion of his father. Of late years this has been done with great impartiality, whether the father were Catholic or Protestant. (*Davis v. Davis*, 10 W. R. 245.) True, the English Court of Chancery had engrafted upon this rule an exception, where the Catholic father had permitted the child to be brought up in the Protestant faith until the age of seven to nine years, and the child had acquired an attachment to that faith; there the father was held to have abdicated his right to direct the child's religious education; and, in ordering a scheme to be settled for his education, the court disregarded a direction in the father's will, that the child should be brought up in the Roman Catholic faith. (*Stourton v. Stourton*, 5 W. R. 418, 8 De G. M. & G. 760; *Hill v. Hill*, 10 W. R. 400.) But the courts of law adhere very strictly to the rule as we have given it. In the most recent case (*In re Andrews*, 21 W. R. 480, 8 L. R. Q. B. 153), there had been an anti-nuptial arrangement between Thomas Andrews, a Roman Catholic, and Ellen Fleetcroft, a Protestant, who were about to contract marriage, that if they should have issue, the boys should be educated in the religion of the father, and the girls in that of the mother. The marriage took place in 1854, and they had issue, a son, who was baptized and brought up a Roman Catholic, and a daughter, the infant in question, who was born in 1862. This daughter, with the assent of her father, was baptized a Protestant, with Protestant sponsors, approved by him, the same year. The father died in 1863, leaving a writing, executed two days before his death, by which he directed that his children should be baptized and brought up as members of the Roman Catholic church, and in the event of his death, appointed his brother guardian of his children for the execution of that direction, with power to appoint any other Roman Catholic as guardian in his stead, in case of his death or resignation. The daughter, from the time of her father's death, was maintained and educated by her grandmother, and from the age of two years had been accustomed to attend a Protestant church, and brought up in its principles, without objection or interference on the part of any one, until 1871, when the guardian claimed the custody of the infant, that he might carry out her father's wishes, and caused her to be sent to a Roman Catholic school, from which, however, the grandmother afterwards withheld her. The court awarded the custody of the child to the guardian, "notwithstanding the laxness of the application, and the apparent harshness of such a proceeding towards the grandmother of the child." This, however, was put on the ground of the limited discretion of the courts of law in such matters. This case illustrates in a very forcible manner the religious impartiality of the British courts as between two opposite faiths, and the extreme absurdity of the British distinction between law and equity. (See the case in equity, 21 W. R. 616.)

This impartiality is placed in a still stronger light when contrasted with the severity of the same courts, as between different sects of the Protestant faith. For instance, examine the case of *Thomas v. Roberts* (3 De G. & J. 758). In July, 1845, one of the followers of a preacher (who styled himself the Servant of the Lord), having no property of his own, married another of the sect who had a property of about £5,000, under circumstances leading to the inference that the marriage was brought about entirely by the influence of the preacher. In February, 1846, the wife, having manifested insubordination to the chief of the sect, was deserted by her husband, who, with the chief and others of his followers, went to reside together at an establishment which they formed and called "Agapemone." They there professed and acted upon the doctrines that the day of grace had passed and the day of judgment commenced, and that by reason thereof prayer was superfluous and unnecessary. They also professed and acted upon the doctrine that no day of the week

ought to be set apart as one of peculiar holiness. Shortly after the desertion of the wife she was delivered of a boy, who remained in the care of his mother and maternal grandmother, at the residence of the latter, who properly provided for his maintenance and education. Hold, a proper case for restraining the father from acquiring possession of the infant. It appeared in this case that no settlement was made of the wife's property; that she was one of three sisters, all of whom married followers of the Servant; and that she was between twenty-eight and thirty years of age. The vice-chancellor then goes on to discuss the character of the home to which the father proposed to remove the child. It had a fair outside, for on the top of the building was a flag with a lion and a lamb depicted on it, and inscribed, "Oh, hail, holy love." The vice-chancellor is startled at the existence of such an institution "not on the Euripus, but on the Bristol Channel," and suggests that its name was "adopted in order to make the people of Somersetshire understand or guess its object; which however, unluckily, I fear that very few either there or elsewhere in any very clear manner do." He thinks it may be described "as a Spiritual Boarding House." He thinks that "their stable, according to the description which Mr. Thomas gave me of it, must be unexceptionable. It does not appear whether the Agapemonians hunt, but they seem distinguished both as Cavaliers and Charioteers. They play, moreover, frequently or occasionally, at lively and energetic games, such as hockey, ladies and all. So that their life may be considered less ascetic than frolicsome." The "hockey" business was represented, it seems, by the Agapemonians, six of whom deposed that it "is not a game like football, and which deponents consider very ridiculous to be obliged to refer to." This deposition winds up by the declaration that their "peace is like a river, and their strength a munition of rocks." On the whole, the vice-chancellor says "as lief would I have on my conscience the consigning of this boy to a camp of gipsies."

Similar doctrine was held in *Re Newbery* (14 W. R. 360; L. R. 1 Ch. 263.) A father, being a beneficed clergyman of the Church of England, appointed his widow and a clergyman guardians of his infant children; the widow became a member of the sect of Plymouth Brethren; the children, aged respectively fifteen and twelve years, were ordered to be brought up as members of the Church of England, and the mother was restrained from taking them to a chapel of Plymouth Brethren, although it appeared that the father was unsettled in his faith and associated much with dissenters, and the elder infant made an affidavit stating his attachment to the Plymouth Brethren and his desire to be brought up in that community. Lord Justice Knight Bruce says the "proposal of the mother amounts to nothing more than the bringing up of the children to no religion at all." Turner, L.J., also remarks: "The congregation may be taught by any person who believes himself inspired at the time. But this is not the way in which children should be brought up." —*Albany Law Journal*.

LEGAL ITEMS.

There has been much excitement at Jersey about the election of a Jurat. There were two candidates for the vacancy on the Bench caused by the suicide of Judge Gaudin—viz., Mr. Edward Mourant, M.A., of Saumarez Manor, and Mr. Joshua Brayn, the former of whom was elected by a majority of 850 votes. The town was illuminated, and party feeling found vent in several hostile encounters in the streets.

In the course of the hearing of a summons by a relieving officer at the Borough Court, Bradford, the question of the right of the relieving officer to conduct the case was raised. Mr. Mossman, clerk to the Bench, remarked that the officer had a right to speak in conducting cases. The relieving officers had been duly appointed by the Guardians for this purpose. He (Mr. Mossman) had taken counsel's opinion on the point, and it was held that these officers had a right to be heard on the facts of the cases they had in charge, but not on points of law.

The Tribunal of Commerce, says the Paris correspondent of the *Economist*, has just given judgment in a suit to decide the liability of proprietors of scrip shares to the payment of calls. The defendant, M. Guibert, was a holder of fifty shares of the Medoc Railway Company, non-registered, on which 250f,

or one-half, was overdue. As this company has paid no dividend for some years, and the price of the shares has fallen to a merely nominal sum, M. Guibert had paid no heed to the invitations to pay up the remaining instalments. The company having, however, discovered that he was a holder of fifty shares, sued him for the amount due with interest. The defendant disputed his liability on the ground that as the shares were "to bearer," the company was supposed to be ignorant of the names of the proprietors, and that as he was not an original subscriber to the shares, the right of the company was limited to cancelling the shares on which the calls had not been paid, or to selling them on the Bourse. The Tribunal gave judgment for the company on the ground that it was not admissible that a shareholder could subordinate the payment of calls to the success of an undertaking, and that equity required that a shareholder who had enjoyed the chance of a gain should be forced to participate in the eventuality of a loss; otherwise the consequence might be in certain cases to diminish the capital of a company by one-half. The Tribunal also decided that whenever the company could meet with a proprietor of shares on which calls were due, it could sue him for the amount, whether it had or had not sold the shares on his account, which it was not bound to do.

The *Times* states that a curious incident occurred at the sitting of the court-martial held at Woolwich, on Friday last, for the trial of Sergeant-Major Cooper, of the Royal Artillery, on a charge of misappropriating sums of money, amounting to £68, intrusted to him for the payment of accounts for the mess expenses while stationed at Clonmel. The court was summoned to meet at 10 o'clock in the morning. Major King, of the Field Artillery, presiding, and Major Staveley acting as adjutant. The friends of the accused, who has been 16 years in the Service, had instructed Mr. H. Pook, solicitor, of Greenwich, to defend him, and at the time stated that gentleman was in attendance, but was refused permission to remain in the room of meeting until five minutes to 11 o'clock, when the accused was marched in. Mr. Pook made a written request (not being permitted to speak) that all witnesses who were to be examined should remain out of court, but the document was torn up and the request refused. The examination then proceeded, and upon certain books being produced containing entries which were intended to be made evidence, Mr. Pook made a second request that he should be permitted to look at the books. Receiving a direct refusal, Mr. Pook, addressing the Court, said he must withdraw from the case, and as he was not allowed to discharge his professional duties, he at once returned the fee paid him to the accused. The trial was then adjourned, but two mounted soldiers were subsequently despatched to the residence of Mr. Pook at Greenwich, with a message that he could have free access to an inspection of the books, and that the Court would resume its sitting at 9 o'clock on Monday morning. Mr. Pook returned word that another professional engagement would prevent his attendance, and asked for the adjournment of the hearing until the following or some other day. The answer received to this was that no such adjournment could be acceded to, and the case accordingly stood for trial on Monday.

PUBLIC COMPANIES.

RAILWAY STOCK.

	Railways.	Paid.	Closing Price
Stock	Bristol and Exeter	100	121
Stock	Caledonian	100	91½
Stock	Glasgow and South-Western	100	38
Stock	Great Eastern Ordinary Stock	100	43½
Stock	Great Northern	100	139
Stock	Do, A Stock	100	156½
Stock	Great Southern and Western of Ireland	100	109
Stock	Great Western—Original	100	117½
Stock	Lancashire and Yorkshire	100	143
Stock	London, Brighton, and South Coast	100	84½
Stock	London, Chatham, and Dover	100	33½
Stock	London and North-Western	100	151½
Stock	London and South Western	100	113
Stock	Manchester, Sheffield, and Lincoln	100	79½
Stock	Metropolitan	100	27½
Stock	Do, District	100	132½
Stock	Midland	100	60½
Stock	North Eastern	100	163
Stock	North London	100	111
Stock	North Staffordshire	100	84
Stock	South Devon	100	63
Stock	South-Eastern	100	111

GOVERNMENT FUNDS.

Last Quotation, Sep. 11, 1874.

3 per Cent. Consols, 92½	Annuities, April, '85 9½
Ditto for Account, Oct 92½	Do. (Red Sen T.) Aug. 1908
3 per Cent. Reduced 91½	Ex Bills, £1000, 2½ per Ct. 1 pm.
New 3 per Cent., 91½	Ditto, £500, Do 1 pm.
Do. 3½ per Cent., Jan. '94	Ditto, £100 & £200, 1 pm.
Do. 2½ per Cent., Jan. '94	Bank of England Stock, 5
Do. 5 per Cent., Jan. '73	Ct. (last half-year) 238
Annuities, Jan. '80 —	Ditto for Account.

INDIAN GOVERNMENT SECURITIES.

Ditto 5 per Cent., July, '89 109	Ditto 3½ per Cent., May, '79 101
Ditto for Account, —	Ditto Debentures, per Cent
Ditto 4 per Cent., Oct. '88 101½ x d	April, '64 —
Ditto, ditto, Certificates, —	Do. Do. 5 per Cent., Aug. '73 100½
Ditto Enfranch. Ppr., 4 per Cent. 95	Do. Bonds, 4 per Ct., £1000
Ind. Enf. Pr., 5 p Ct., Jan. '73	Ditto, ditto, under £1000

MONEY MARKET AND CITY INTELLIGENCE.

There has been no change in the bank rate. The proportion of reserve to liabilities has risen from 46.44 last week to 48.90 this week. Up to Tuesday the railway market was inactive. On that day there was a slight improvement, which continued over Wednesday, but on Thursday the market was again depressed. Great Western of Canada shares have been gradually declining, and the announcement on Thursday that the company are unable to meet the dividend on the preference stock, and can only provide a portion of the amount required for the debenture stock, caused a further fall on Thursday. In the foreign market prices have been generally steady, but little business has been done. Consols on Thursday were 92½ to ¼ for delivery, and 92½ for October.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

COCHRANE—On Aug. 31, at Charlemont-place, Armagh, the wife of George C. Cochrane, solicitor, of a son.
MACCLYMONT—On Sept. 4, at 49, St. James's-square, Nottingham, the wife of C. Ritchie MacClymont, barrister-at-law, of the Inner Temple, of a daughter.
STEBBING—On Sept 10, at 58, Russell-square, W.C., the wife of William Stebbing, barrister-at-law, of a son.

MARRIAGES.

HODGSON—DRURY—On Sept. 3, at St. Mary's, East Molesey, Henry John Hodgson, Esq., of 10, Hanover-terrace, Regent's park, Master of the Court of Queen's Bench, to Amy Josephine, eldest daughter of the late Ven. Archdeacon Drury, Vicar of Brenhill, Wilts.
HUTCHINSON—WATSON—On Sept. 9, at St. Andrews, Holborn, London, James John Hutchinson, of Liverpool, solicitor, to Fanny Maria, daughter of William Watson, Esq., of Holborn.
MAIDLOW—SOUTHERN—On Sept 3, at St. Stephen's Church, South Dulwich, John Mott Maidlow, Fellow of Queen's College, Oxford, and of Lincoln's-inn, barrister-at-law, to Hannah Shirley, only child of James Southern, of 1, Crosby-square, and Sydenham-rise.
REID—SCARR—On Sept 9, at Putney, Mr. Henry Reid, of Hornsey, solicitor, to Sarah Elizabeth, younger daughter of Mr. Joseph Scarr.

DEATH.

FLUKER—On Sept. 3, at Bognor, Sussex, Charles Edward Fluker, solicitor, aged 23.

LONDON GAZETTES.

Professional Partnerships Dissolved.

FRIDAY, Sept. 4, 1874.

Brearey, Henry, and Alfred Watson, York, solicitors. Feb 4
Hawkins, Frederick James, and Henry Cross, Prescott, attorneys and solicitors. April 1
Wilkins, William Henry, Edmund Kell Blyth, and Robert Wood Marsland, St. Swithin's lane, London, attorneys and solicitors. Aug 31

TUESDAY, Sept. 8, 1874.

Simcox, Thomas, and John Walford Simcox, Birmingham, attorneys and solicitors. Sept 1

Winding up of Joint Stock Companies.

FRIDAY, Sept. 4, 1874.

LIMITED IN CHANCERY.

Cagliari Mining Company, Limited.—Petition for winding up. presented Sept 1, directed to be heard before V.C. Hall, on Nov 6. Kimber and Lee, Great Winchester at buildings, solicitors for the petitioner.

Provident Fire Insurance Company, Limited.—Petition for winding up, presented Sept 1, directed to be heard before V.C. Mallon, on Nov 6. Abrahams and Roffey, Old Jewry, solicitors for the petitioner.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

TUESDAY, Sept. 1, 1874.

Ashton, Frances Matilda, Pelham crescent, Brompton. Oct 21
Doughty, Regent at
Chisnell, John, Liverpool, Gent. Sept 18. Teebay and Lynch, Liverpool
Chisnell, Mary, Liverpool. Sept 18. Teebay and Lynch, Liverpool
Cope, Frederick, Leamington, Warwick, Esq. Sept 29. Partridge and Allen, Manchester
Crow, James, Gorleston, Suffolk, Gent. Sept 30. Burroughs, Great Yarmouth
Dale, John, Thornton Hough, Cheshire, Gent. Oct 15. Weld, Liverpool
Davis, John, Derby, Optician. Oct 31. Robotham, Derby
Douglas, Archibald, Clifton place, Hyde Park, Esq. Oct 10. Wither and Co, Bedford row
Evards, William Dafford, Coventry, Warwick, Gent. Oct 25. Wood, Nuneaton
Fowler, William, Wyke Regis, Dorset, Gent. Oct 2. Steggall and Hooper, Melcombe Regis
Greaves, Arabella, Sheffield, Spinster. Oct 10. Broomhead and Co, Sheffield
Healy, Mary Georgiana, Gower st. Oct 28. Capron and Co, Sirith place, Conduit st
Hendrie, Sarah, Leyton, Essex. Sept 29. Jenkinson and Co, Cornet court, Gracechurch st
Hundley, Thomas Walter, Worcester, Gent. Oct 1. Thompson, Worcester
Kidd, David, Mark lane, Merchant. Oct 15. Hunter and Co, New square, Lincoln's inn
Kilby, Harriet, King Edward's rd, Hackney. Oct 15. Prentice, White-chapel rd
Maston, William, Otley, York, Stone Mason. Oct 1. Siddall, Otley
Mayo, John Joseph, Benhillton, Sutton, Surrey, Gent. Oct 24. Walker, and Co, Funnival's inn
Murgatroyd, Johanna, Heaton Norris, Lancashire, Millwright. Oct 25. Farrar and Hall, Manchester
Old, John Dorset, Wootton, Northampton, Master of the Hardingston Union. Oct 15. Hughes, Northampton
Reid, David, Lowndes st, Belgrave square, Esq. Nov 1. Edwards, Cloak lane
Shadrack, Ann, Terling, Essex. Oct 6. Voley and Cunningham, Braintree
Smith, David, Cliftonville, Brighton, Sussex. Gent. Oct 27. Fielder and Sumner, Godliman st, Doctors' Commons
Smith, Elizabeth, Somersford Grove, Hackney. Oct 27. Fielder and Sumner, Godliman st, Doctors' Commons
Smith, James, Buxton, near Norwich, Norfolk, Foreman. Sept 1. Dittam Ironmonger lane
Taylor, James, Edgeley, Cheshire, Agent. Sept 13. Reddish and Lake, Stockport
Taylor, James, Lower Ogden, Rochdale, Lancashire, Gent. Oct 1. Roberts and Son, Rochdale
Tuck, Sarah, Cresswell Park, Blackheath. Oct 30. Parker and Sm, Lewisham
Wallis, Samuel, Sheffield, Hotel Keeper. Oct 1. Fretson, Sheffield
Wood, James, Handforth, Cheshire, Farmer. Oct 9. J. Mason, Stockport
Woods, William, Cardiff, Glamorgan. Oct 29. Daltons and Co, Cardiff
Wrigley, Hannah Maria, Hyde, Cheshire. Sept 13. Radlish and Lake, Stockport

FRIDAY, Sept 4, 1874.

Allen, Jacob, Stratford at, Millwall, Engineer. Nov 1. Cuttarns and Co, Mark lane
Artindale, Thomas Stainton, Hushon, Northampton, Farmer. Oct 1. Lamb, Kettering
Blackburn, Job, Norton, York, Yeoman. Oct 6. Wood, Pontefract
Clark, Richard, Fycheley, Northampton, Farmer. Oct 1. Lamb Clendon, William, Earlsbourne, Sussex, Major-General. Sept 26. Pritchard and Co, Little Trinity lane
Coleman, Ann, Stone, Staffordshire, Wine and Spirit Merchant. Oct 22. Saben, Stone
Comyn, Richard, Queenborough, Kent, Solicitor. Oct 17. Warriner, Great Tower street
Cramp, Thomas, Cruckton, Salop, Innkeeper. Oct 1. Cross, Mardol, Shrewsbury
Darbishire, Charles James, Rivington, Lancashire, Esq. Oct 17. Darbishire and Co, Manchester
Evards, William Dafford, Coventry, Warwick, Gent. Oct 25. Wood, Nuneaton
Fairman, James, Croydun, Surrey, Builder. Oct 13. Rowland, Croydun
Forster, Hannah, Alsager, Cheshire. Sept 29. Salt, Tunstall
Gilbert, Louisa Octavia, Southampton. Oct 13. Kerry, Gray's inn square
Glossop, Robert, Kingston-upon-Hull, Brewer. Oct 21. England and Co, Hull
Hall, William, Seaforth, Lancashire, Esq. Oct 8. Bartlett and Atkinson, Liverpool
Jones, William, Pelham st, Brompton, Accountant. Oct 1. Carr, St Mildred's church
Mason, George, Akisak Hall, Lancashire, Yeoman. Oct 8. Bartlett and Atkinson, Liverpool
Mathews, Thomas, St Augustine's rd, Camden Town, Gent. Sept 4. Busby, Mark lane
Pycroft, Ann Gold, Wilmington, Sussex. Oct 31. Woods and Dampster, Brighton
Reuss Koestritz, Henry the Second, Prince of, Leipzig, Germany. Oct 26. Fielder and Sumner Godliman st, Doctors' commons
Rex, Robert, Sewerby-dum-Marton, York, Farmer. Oct 3. Holby, York
Riley, Dorothy, Ilkeston, Nottingham. Oct 1. Aeton, Nottingham

Riley, Thomas, Leeds, Wool Merchant. Oct 22. Simpson and Russell
Seward, Thomas, Paul st. Finsbury, Hay Dealer. Oct 14. Barrett,
Bell yard, Doctors' commons
Seward, Thomas, jun., Paul st, Finsbury, Architect. Oct 14.
Barrett, Bell yard, Doctors' commons
Shaw, John Thomas, Streatham hill, Surrey, Esq. Nov 1. Pike,
Serle st, Lincoln's inn
Young, Cornelius, Exmouth st, Stepney, Licensed Victualler. Oct 8.
Fournall and Co, Staple inn

Bankrupts.

FRIDAY, Sept. 4, 1874.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debt to the Registrar.

To Surrender in London.

Wright, Andrew, Palmerston buildings, Old Broad st, Merchant. Pet
Sept 2. Murray. Sept 15 at 11

To Surrender in the Country.

Burley, John, Bradford, Yorkshire, Wool and Top Merchant. Pet
Aug 24. Robinson. Bradford, Sept 25 at 9
Brunt, George Holmes, Sheffield, out of business. Pet Aug 27. Wake,
Sheffield, Oct 8 at 1
Gwyn, William, Cardiff, Steam Tug Boat Owner. Pet Sept 1. Ensor,
Cardiff, Sept 22 at 11
Jones, David, Clydach, Glamorgan, Innkeeper. Pet Aug 29. Belling-
ham, Swansea, Sept 19 at 12
Key, Robert, Yorkshire, Clifford-cum-Boston, Farmer. Pet Aug 31.
Pettina, York, Sept 16 at 11
Leach, Samuel, Llandudno, Carnarvonshire, Baker. Pet Sept 2. Jones,
Bangor, Sept 21 at 3
Liberman, Hyman, and John Buiraki, Burslem, Stafford, Jewellers.
Pet Sept 1. Challinor. Hanley, Sept 15 at 3
Smith, John Henry, New Whittington, Darby, Draper. Pet Sept 1.
Wake. Chesterfield, Sept 19 at 10
Whall, John, Worktop, Nottingham, Attorney. Pet Sept 2. Wake.
Sheffield, Sept 17 at 12

TUESDAY, Sept 8, 1874.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Lewis, Louis, Hutton garden, Holborn, Solicitor. Pet Sept 3. Spring-
Rice. Sept 18 at 11
Marquer, Henry, and Philip Eckhus, New London st, Fenchurch st,
Steam Ship Owners. Pet Sept 5. Spring-Rice. Sept 23 at 12

To Surrender in the Country.

Barnes, Ephraim, Coventry, Warwick. Pet Sept 3. Kirby. Coventry,
Sept 21 at 3
Bradbury, William, Manchester, Plumber. Pet Sept 3. Kay. Man-
chester, Oct 1 at 9 30
Cass, James, Haylands, near Ryde, Isle of Wight, Clinker. Pet
Sept 2. Blake. Newport, Sept 21 at 12
Gord, Joseph, and Charles Shepherd, Plymouth, Tailors. Pet Sept 7.
Edmonds. East Stench use, Sept 19 at 12
Smith, Henry, Hastings, Sussex, Dealer in Glass. Pet Sept 3. Young.
Hastings, Sept 19 at 12
Sier, William, Sevenoaks, Kent, Carman. Pet Sept 5. Cripps. Tun-
bridge Wells, Sept 24 at 3
Walford, Frederick, Barrow, Suffolk, Innkeeper. Pet Sept 4. Collins.
Bury St Edmunds, Sept 25 at 2
Walsh, Joseph, Otley, York, Tannar. Pet Sept 5. Wilson. Leeds,
Sept 23 at 11

BANKRUPTCIES ANNULLED.

FRIDAY, Sept. 4, 1874.

Park, James Allan, Cadogan terrace, Sloane st. Aug 28
Fergie, James, Newcastle-upon-Tyne, Draper. Aug 31

TUESDAY, Sept 8, 1874.

Morris, Samuel, Church end, Finchley, Builder. Sept 7

Liquidation by Arrangement.

FIRST MEETINGS OF CREDITORS.

FRIDAY, Sept. 4, 1874.

Adey, Edward, Abbot's Bromley, Stafford, out of business. Sept 19 at
12 at the dwelling house of Adey. Barnes and Russell, Lichfield
Andrews, Robert, Leopold buildings, Hackney rd, Provision Dealer.
Sept 12 at 11 at offices of Willis, St Martin's court, Leicester square
Bailey, Thomas Sharpe, Bootle, Lancashire, Corn Dealer. Sept 19 at 2 at
11, South John st, Liverpool. Heaton, Liverpool.
Baines, Samuel King, Bodham, Norfolk, Engineer. Sept 18 at 11 at
offices of Winter and Francis, St Giles st, Norwich
Bodolowse, William, Titchhurst, Sussex, Farmer. Sept 16 at 11 at
the Bridge inn, Titchhurst. Palmer, Tunbridge
Benjamin, Thomas, Pendine, Carmarthen, Farmer. Sept 19 at 10.30 at
offices of Green and Griffiths, St Mary st, Carmarthen
Billings, Joseph, Manchester, out of business. Sept 9 at 3 at 16,
King st, Manchester. Law
Bowen, Zechariah, Hereford, Gunmaker. Sept 31 at 11 at offices of
Free, Temple row, Birmingham
Bowles, Charles Anthony, Cheshire, Chemist. Sept 16 at 2 at the Stork
Hotel, Queen's square, Liverpool. Bridgman and Co
Broughton, Charles, Epsom, Surrey. Sept 15 at 3 at the Inns of Court
Hotel, Holborn. Indermarsh, Dances inn, Strand
Burnham, Henry, Birmingham, Draper. Sept 16 at 12 at offices of
Reece and Harris, New st, Birmingham
Carter, Thomas, Congleton, Cheshire, Tailor. Sept 15 at 11 at the
Angel Hotel, Macclesfield. Cooper, Congleton
Chadwell, John Spencer, Abbey st, Bermondsey, Plumber. Sept 14 at
12 at offices of Chipperfield and Sturt, Trinity st, Southwark
Clifford, Herbert, Hanley, Stafford, Shopkeeper. Sept 18 at 4 at 9,
New st, Hanley. Calder, Longton
Collins, Henry Wallace, Salford, Lancashire, no occupation. Sept 23
at 2 at offices of Hardy, St James's square, Manchester

Colyer, Henry, Strood, Kent, Coach Builder. Sept 21 at 3 at offices of
Haven and Curtis, Queen Victoria st
Cutting, Richard, Manchester, Bedstead Manufacturer. Sept 18 at 3 at
offices of Smith and Boyer, B-zanovane st, Manchester
Dean, Benjamin, Leeds, Shopkeeper. Sept 14 at 11 at offices of
Hardwick, Boar lane, Leeds
Dudman, William, Chippenham rd, Harrow rd, Paddington, Vaccina-
tion Officer. Sept 24 at 12 at 36, New Broad st. Dodd, Jun
Dundas, Charles Amesbury Whitely Deans, Bristol, Newspaper Pro-
prietor. Sept 17 at 2 at offices of Backingham, Albion chambers,
Broad st, Bristol
Elford, Henry, Epsom, Surrey, no occupation. Sept 21 at 2 at offices of
Harding and Co, Old Jewry. Vallance and Vallance, Essex st,
Strand
Fowden, William, Salford, Lancashire, Engineer. Sept 21 at 3 at
offices of Sutton and Elliot, Brown st, Manchester
Fright, Martin, son, and Martin Fright, Jun, Mistoron, Nottingham,
Joiners. Sept 17 at 11 at offices of Jay, Bank st, Lincoln. Pige,
Jun, Lincoln
Garman, John Stephen, and Cornelius Edwin Garman, Roman rd, North
Bow, Chemists. Sept 21 at 12 at offices of Brooks, Corahill
Gent, Gorton, Northampton, Shoe Manufacturer. Sept 21 at 3 at
offices of Becke, Market square, Northampton
Gleeson, Timothy James, Ossulton st, Somers Town, Printer. Sept 24
at 3 at offices of Parkes, Beaufort buildings, Strand
Goodwin, George, Portobello, Stafford, Baker. Sept 17 at 3 at offices of
Dallow, Queen square Wolverhampton
Hallett, Charles, Itchen, Southampton, Cattle Dealer. Sept 15 at 2 at
offices of Whitaker, Sussex rd, Southampton. Gay, Southampton
Ham, John Emanuel, Merthyr Tydfil, Glamorgan, Travelling Draper.
Sept 17 at 12 at offices of Beddoz, Victoria st, Merthyr Tydfil
Handley, James, Brighthelm Hill, Stafford, Blacksmith. Sept 15 at 11 at
offices of Collis, Market st, Stourbridge
Harker, Enoch, Great Hampton, Worcester, Grocer. Sept 11 at 12
at offices of New and Co, Eversham
Harper, Robert, South Shields, Durham, Ale Merchant. Sept 22 at 2
at offices of Purvis, King st, South Shields
Harris, Thomas Avery, Strand, Dealer in Wines. Sept 14 at 2 at
offices of Naunton, St Swithin's lane
Hughes, William, Menai Bridge, Anglesey, Driver. Sept 19 at 1 at
the Victoria Hotel, Menai Bridge. Jones, Conway
Hurl, George, Bristol, Carpenter. Sept 14 at 2 at offices of Taddy,
Shannon court chambers, Corn st, Bristol
Levill, Michael Levy, Ellington st, Barnsbury, Commercial Traveller.
Sept 11 at 10 at offices of Goatly, Westminster Bridge rd
Marshall, Charles William, Sunderland, Durham, out of business.
Sept 17 at 11 at offices of Skinner, John st, Sunderland
McCann, Bernard, Dewsbury, York, Rag Merchant. Sept 21 at 3 at
the King's Arms Inn, Dewsbury. Chadwick and Sons
Munnings, William, Ipswich, Suffolk, Victualler. Sept 18 at 12 at
offices of W. t. t. Butter market, Ipswich
Newman, Richard, Cheltenham, Riding Master. Sept 14 at 3 at offices
of Siron, Clarence parade, Cheltenham
Pickard, Joe, Dewsbury, York, Boot Maker. Sept 17 at 3 at offices
of Pullan, Bank chambers, Park row, Leeds
Pole, Edward, Birmingham, Commis on Agent. Sept 15 at 10.15 at
offices of East, Colmore row, Birmingham
Price, David, Loundwr Talybont, Carnarvon, Shopkeeper. Sept 17 at
3 at offices of Foulkes, York place, Bangor
Roberts, William, Rochdale, Lancashire, General Agent. Sept 17 at 3
at offices of Ashworth, Yorkshire st, Rochdale
Roberts, William, Chapatow, Monmouth, Baildar. Sept 14 at 2 at
offices of Beckingham, Albion chambers, Broad st, Bristol
Rowe, Alexander, Morrice Town, Devon, Tea Dealer. Sept 18 at 12 at
offices of Elworthy and Co, Courtenay st, Plymouth
Schama, Es-a Levi, Sackville st, Manchester, Merchant. Sept 23 at 3
at the Clarence Hotel, Spring gardens, Manchester. Storer, Man-
chester
Shatford, Charles, Liverpool, Boot Maker. Sept 22 at 3 at offices of
Ritson, Dale st, Liverpool
Shaul, Benjamin, Gosport, Hants, Baker. Sept 15 at 4 at offices of
King, North st, Portsea
Shemeld, Henry, Northampton, Book Binder. Sept 18 at 3 at offices of
Becke, Market square, Northampton
Smith, James, Warrington, Provision Dealer. Sept 18 at 3 at offices of
Bretherton, Bank st, Warrington
Spencer, George, Bradford, York, Commission Spinner. Sept 18 at 11
at offices of Watson and Dickson, Bank st, Bradford
Starkey, Thomas, Pemberton, Lancashire, Shopkeeper. Sept 18 at 11
at offices of A-hon, King st, Wigan
Steer, William, Sevenoaks, Kent, Carman. Sept 31 at 12 at the Camden
Hotel, Tunbridge Wells. Parke, Coleman at
Stiff, Alfred William, Bristol, Starch Manufacturer. Sept 17 at 1 at
offices of Williams and Co, the Exchange, Bristol. Britian and Co,
Bristol
Titman, George, Deptford, Kent, Oilman. Sept 14 at 1 at offices of
Cattlin, Guildhall yard
Tompkins, Edmund Eyre, Kettering, Northampton, Publican. Sept 16
at 11 at offices of Freedy, Gas st, Kettering
Underwood, Edward, Earl's Barton, Northampton, Carrier. Sept 14 at
11 at offices of Jeffery, Market square, Northampton
Wacholder, Bennett, Darlington, Durham, Picture Frame Manufacturer.
Sept 22 at 2 at offices of Robinson, Chancery lane, Darlington
Wadsworth, John, Liverpool, General Dealer. Sept 30 at 11 at offices
of Eddy, Lord st, Liverpool
Walker, William, Gainsborough, Lincoln, Tobacconist. Sept 8 at 11
at offices of Bledon, Gainsborough
Watts, Henry, Lower Queen st, Rotherhithe, Baker. Sept 14 at 3 at
offices of Chipperfield and Sturt, Trinity st, Southwark
Westby, James, Wigan, Lancashire, Innkeeper. Sept 17 at 2 at offices
of Leigh and Ellis, the Arcade, King st, Wigan
Westwell, William, Thirsk, York, Painter. Sept 21 at 3 at offices of
West, Market place, Thirsk
Wheeler, Alfred, Grove Park, Chiswick, Builder. Sept 30 at 12 at
offices of Boyce, Abchurch lane
White, George, Camden rd, Dentist. Sept 19 at 10.15 at offices of
Seale, Globe rd, Mile End

Whitehead, Luke, Marsden, York, Engine Driver. Sept 18 at 2 at offices of Leary and Leary, Baxton rd, Huddersfield.
 Williams, Thomas, Canton, Glamorgan, Builder. Sept 17 at 12 at the Cardiff Arms Hotel, Cardiff.
 Winnie, James, Bristol, Cabinet Maker. Sept 23 at 12 at offices of Clark, High st, Bristol.
 Word, Susannah, Oldham, Lancashire, Beerseller. Sept 17 at 3 at offices of Sampson, South King st, Manchester.

TUESDAY, Sept. 8, 1874.

Allen, Joseph Hodgkinson, Manchester, out of business. Sept 23 at 11 at offices of Hankinson, St James's square, Manchester.
 Allinson, John Liddle, Sunderland, Darraam, Grocer. Sept 21 at 3 at offices of Bell, Lambton st, Sunderland.
 Angerstein, William John Neesham, Ashley Lodge, near Davantry, Northampton, Gent. Sept 21 at 3 at offices of Lawrence and Co, Old Jewry chambers.
 Barwell, Benjamin, Sumner rd, Peckham, Oilman. Sept 15 at 11 at 35, Hutton garden.
 Bennett, William, London, Derby, Brickmaker. Sept 23 at 3 at office of Briggs, Fall st, Derby.
 Bland, William, Preston, Lancashire, Bookbinder. Sept 21 at 11 at offices of Thompson, Chapel st, Preston.
 Brooke, Joseph, Dewsbury, York, Shoddy Merchant. Sept 21 at 3 at offices of Waite and Son, Dewsbury.
 Brown, James, Wolverhampton, Staff rd, Travelling Draper. Sept 23 at 11 at offices of Gals, Queen st, Wolverhampton.
 Brown, John, Liverpool, Travelling Draper. Sept 23 at 3 at offices of Blackhurst, Dale st, Liverpool.
 Bruce, James, Queen's row, Walworth rd, Boot Maker. Sept 15 at 12 at 35, Hutton garden.
 Coper, Richard Frederick, Birmingham, out of business. Sept 15 at 2 at offices of Parry, Bennett's hill, Birmingham.
 Cottrell, Thomas, Bristol, Upholsterer. Sept 19 at 11 at offices of Beckingham, Albion chambers, Broad st, Bristol.
 Cowling, John, Richmond, York, Boot Maker. Sept 21 at 12 at offices of Croft, Richmond.
 Croft, John Lumley, Sunderland, Durham, Game Dealer. Sept 18 at 3 at offices of Bell, Lambton st, Sunderland.
 Culverwell, William, St John's hill, New Wandsworth, Grocer. Sept 15 at 11 at the London Tavern, Bishopsgate st. Collins, Bath.
 Davies, Evan William, Bains, Monmouth, Draper. Sept 21 at 3 at offices of Williams and Co, Exchange, Bristol.
 Davies, John, Burnley, Lancashire, Engineer. Sept 21 at 3 at the Old Red Lion Hotel, Burnley.
 Davidson, Joseph, Crook, Durham, Hosier. Sept 23 at 13 at offices of Grahnam, Grainger st West, Newcastle-on-Tyne.
 Thornton, Bishop Auckland.
 Dobbin, Andrew, Liverpool, Grocer. Sept 23 at 3 at offices of Masters and Fletcher, North John st, Liverpool.
 Doran, Thomas, Powis st, Woolwich, Dyer. Sept 15 at 3 at offices of Cooper, Charing cross.
 Duke, Thomas Edward, New Invention, Stafford, Look Manufacturer. Sept 19 at 11 at offices of Barrow, Queen st, Wolverhampton.
 Edmonds, Richard, Grimbury, Northampton, out of business. Sept 23 at 3 at offices of Crosby, Fish st, Banbury.
 Freeman, George Frederick, Manchester, Metal Merchant. Sept 18 at 3 at offices of Addleshaw and Warburton, King st, Manchester.
 Glendinning, John, Newcastle-upon-Tyne, Clothier. Sept 18 at 11 at offices of Kenlyside and Forster, Grainger rd West, Newcastle-upon-Tyne.
 Green, William, Leeds, Shoe Manufacturer. Sept 17 at 3 at offices of Fawcett and Malcolms, Park row, Leeds.
 Hall, Edward, Wakefield, York, Fruiterer. Sept 19 at 11 at offices of Fernandez and Gill, Cross square, Wakefield.
 Hall, Thomas, Scarborough, York, Timber Merchant. Sept 25 at 12 at the Station Hotel, Kingston-upon-Hull.
 Harlow, Jonathan, and George Harlow, Lamb st, Spitalfields Market, Fruit and Potato Sammen. Sept 15 at 12 at offices of Whitwell, King st, Cheapside.
 Harrison, Charles Pace, and Christopher Harrison, jun, Newcastle-upon-Tyne, Timber Merchants. Sept 21 at 2 at offices of Joel, Newgate st, Newcastle-upon-Tyne.
 Hart, Robert, and William Parr, Salford, Lancashire, Ale Brewers. Sept 25 at 3 at offices of Ramwell and Co, Pall Mall, Manchester.
 Hawkeley, Henry, Sheffield, Hatter. Sept 21 at 11 at the Albert Hall, Barker Pool, Sheffield.
 Hebblethwaite, John, Kidderminster, Worcester, China Dealer. Sept 25 at 3 at offices of Saunders and Burcher, Church st, Kidderminster.
 Jenkin, Sarah Margaret, Ford's Market, Clapton Park. Sept 25 at 3 at offices of Miller and Co, Bond Court.
 Knapton, Mosehach, Vansell rd, Brixton, Baker. Sept 16 at 3 at offices of Ody, Trinity st, Southwark.
 Larmath, Luke Hamilton, Manchester, Smallware Manufacturer. Sept 23 at 3 at offices of Addleshaw and Warburton, King st, Manchester.
 Lees, George, Tipton, Stafford, Horse Dealer. Sept 23 at 12 at offices of Barrow, Queen st, Wolverhampton.
 Legg, Robert, Newbury, Berks, Painter. Sept 16 at 2 at the Great Western Hotel, Reading.
 Lucas, Newbury.
 Leuchter, William Thomas, Swansea, Glamorgan, House Decorator. Sept 23 at 3 at offices of Clifton and Woodward, Wind st, Swansea.
 Love, Josiah William, Sandown, Isle of Wight, Tobaccoist. Sept 19 at 12 at offices of Fardell and Woodbridge, Ryde.
 Mason, George Enderby, Kingston-upon-Hull, Hairdresser. Sept 21 at 2 at offices of Nicholls and Letherdale, Old Jewry chambers.
 Laverack, Hull.
 Masters, Thomas Ridout, Fiddleshinton, Dorset, Boot Maker. Sept 23 at 12 at offices of Burnett, South st, Dorchester.
 McGovern, Thomas, Stratford, Essex, Bootmaker. Sept 23 at 3 at offices of Slater and Farnell, Guildhall chambers, Basinghall st.
 Beard, Basinghall st.
 McKelvie, John, Tenby, Pembroke, Stationer. Sept 25 at 10.30 at the Guildhall, Carmarthen.
 Williams, Pembroke Dock.
 Milner, John, Bristol, Commission Agent. Sept 16 at 11 at offices of Esery, the Guildhall, Broad st, Bristol.
 Moore, Charles Edward, and John Knowles Rowbotham, Leeds, Sponge Merchants. Sept 19 at 1 at offices of Hardwick, Boar lane, Leeds.

Moreland, Thomas, Sheffield, Tailor. Sept 18 at 3 at offices of Orang, Queen st, Sheffield.
 Parker, James, Kirkham, Lancashire, Innkeeper. Sept 23 at 3 at offices of Blackhurst, Fox st, Preston.
 Plant, James, Leeds, Provision Merchant. Sept 21 at 2 at offices of Routh, Royal Insurance buildings, Park row, Leeds.
 Rix, Thomas, Barney, Norfolk, Grocer. Sept 23 at 11 at offices of Miller and Co, Bank chambers, Norwich.
 Robinson, Frederick William, Stamford, Northampton, Painter. Sept 19 at 13 at offices of Aiter, Barn hill, Stamford.
 Robinson, Rose, Monckton Combe, Somerset. Sept 23 at 12 at offices of Wilton, Westgate buildings, Bath.
 Smith, Thomas, Lincoln, Watchmaker. Sept 23 at 11 at offices of Page, jun, Lincoln.
 Smith, William, and John Lee, Leeds, Jute Yarn Spinners. Sept 18 at 2 at offices of Simpson and Barrell, Albion st, Leeds.
 Soen, James, jun, Battle, Sussex, Grocer. Sept 19 at 3 at the County Court Office, Hastings.
 Roper and Elman, Battle.
 Southan, John, and Henry William Southan, Kidderminster; Worcester, Drapers. Sept 23 at 2 at 145, Cheapside.
 Philpott, Goldhall chambers.
 Stanhope, William, and John Clapham, Holbeck, Leeds, Woolen Yarn Manufacturers. Sept 21 at 1 at offices of Fawcett and Malcolms, Park row, Leeds.
 Taylor, Jonas, Bradford, York, Painter. Sept 19 at 11 at offices of Gamble and Harvey, Gresham buildings, Basinghall st, Rhodis, Bradford.
 Taylor, Thomas, Bedford, Carpenter. Sept 19 at 11 at offices of Jessup, Harper st, Bedford.
 Walting, George, Barrow-in-Furness, Lancashire, Beer house Keeper. Sept 18 at 11 at the Bull Hotel, Barrow-in-Furness.
 Ward, George Bruckshaw, B'edbury, Cheshire, Hat Manufacturer. Sept 22 at 3 at the Merchant's Hotel, Oldham st, Manchester.
 Hyde.
 Warner, Ambrose Valentine, King's Lynn, Norfolk, Baker. Sept 19 at 3 at offices of Ward, Tuesday Market place, King's Lynn.
 Warren, William, Northampton, Machine Closer. Sept 18 at 11 at offices of Jeffery, Market square, Northampton.
 Watchorn, Clifton John, Church rd, Homerton, Grocer. Sept 14 at 11 at the City Arms, Blomfield st.
 Lind, Beaufort buildings, Strand.
 Wilkinson, Henry Firth, Leeds, Boot Dealer. Sept 17 at 11 at offices of Rooke and Midgley, Boar lane, Leeds.
 Williams, John, Pen-graig, Glamorgan, Grocer. Sept 13 at 3 at the Queen's Hotel, Cardiff.
 Williams, Charles Michael, Yorkley, Gloucester, Grocer. Sept 21 at 1 at the Feathers, Hotel, Lydney.
 Fryer and Oxley, Coleford.

EDE AND SON.

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By Special Appointment to HER MAJESTY, THE LORD CHANCELLOR, the Whole of the Judicial Bench, Corporation of London, &c.
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